

ALABAMA LAWS
(and Joint Resolutions)
OF THE
LEGISLATURE OF ALABAMA
PASSED AT THE
THIRD SPECIAL SESSION 1983
FOURTH SPECIAL SESSION 1983
VOL. III



GEORGE C. WALLACE, Governor
WILLIAM J. BAXLEY, Lieutenant Governor
JOHN A. TEAGUE, President Pro-Tem of the Senate
TOM DRAKE, Speaker of the House
ROY JOHNSON, Speaker Pro-Tem of the House
MCDOWELL LEE, Secretary of the Senate
JOHN W. PEMBERTON, Clerk of the House

WITH AN INDEX PREPARED BY THE
LEGISLATIVE REFERENCE SERVICE

The undersigned, as Secretary of State of the State of Alabama, does hereby certify that this book contains bills and joint resolutions enacted at the 1983 Organizational Session, Regular Session and Special Sessions of the Legislature of Alabama and is the official publication of such acts.

Don Siegelman
Secretary of State

Hammurabi, the King of Babylon, initiated a practice some 4000 years ago which has become a cornerstone of democratic government—a written code of laws. This ancient concept of the public's right to know is acknowledged and protected by the "due process clause" of the Fourteenth Amendment of the United States Constitution, the Alabama Constitution, and the Code of Alabama, which require that Alabama's laws be published and made available to the public.

However, because the laws are available to the public does not necessarily mean that they are accessible. It is said that one of the hateful acts of the ill-famed Roman Emperor Caligula was that of having the laws inscribed on a pillar so high that the people could not read them. In an effort to lower the "pillar" a tiny notch, and thereby make our laws slightly more accessible for those who are regular users of the Alabama Acts, a new numbering system was initiated in the 1979 session.

Under this system, every act of the Legislature, regardless of the type of session in which it was enacted, is numbered sequentially in the order received by the Secretary of State. Numbering begins at the commencement of each calendar year and incorporates a two-digit prefix corresponding to the last two digits of the year of enactment. For example, the first act received from the Governor in 1983 is designated as Alabama Act 83-1, the second act is 83-2, and so forth.

People behind the scenes who made publication of these volumes possible include: McDowell Lee, Secretary of the Senate; John Pemberton, Clerk of the House of Representatives; Ann Worthington and Meredith Graves, enrolling and engrossing clerks; Dodie Pappanastos and Helen Thorington, technical proofreaders; Louis Green, Director of the Legislative Reference Service; and, Edna Erie Young of the Secretary of State's office.

Suggestions regarding the organization, publication and distribution of these acts are welcomed.

Don Siegelman
Secretary of State

ALABAMA LAWS
and Joint Resolutions
THIRD SPECIAL SESSION 1983

Act No. 83-791

H. 17—Rep. Laird

AN ACT

To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901 authorizing and directing Randolph County under certain conditions (a) to pay one-half of the proceeds of the special ad valorem tax authorized to be levied by Amendment 72 to the Constitution into a special fund established for such purpose, (b) to pay four-tenths of the road, bridge and public building ad valorem tax authorized to be levied by Section 215 of the Constitution, as amended, to be levied by the county into said special fund, and (c) to issue its bonds or warrants (which may but need not be general obligations of the County) not exceeding \$1,500,000 in principal amount for the purpose of financing certain county facilities (as defined herein), to be secured by a pledge of (i) one-half of the said special ad valorem tax, (ii) four-tenths of said road, bridge and public building ad valorem tax authorized to be levied by Section 215 of the Constitution, and (iii) such other taxes levied by Randolph County as the governing body of Randolph County shall determine; providing that none of the bonds or warrants shall be chargeable against the limitation on the indebtedness of Randolph County contained in Section 224 of the said Constitution and specifying certain details pertaining to the bonds or warrants; and providing that the provisions of Amendment 425 to the Constitution (providing for an alternative method of the submission of certain proposed Amendments) are inapplicable to this proposed Amendment.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is hereby proposed:

“(A)” As used in this Amendment, the following terms shall be given the following respective meanings:

“Costs of County Facilities” means the costs of acquiring, providing, constructing and equipping new County Facilities, renovating, reconstructing, improving, enlarging or equipping any existing County Facilities or any combination thereof.

“County” means Randolph County, Alabama.

“County Facilities” means (a) any land, building, equipment and any other facility or facilities necessary or useful in the housing, confinement, detention, feeding, treatment, rehabilitation or training of persons held in lawful custody, and (b) any land, building, equipment or other facility useful as a county courthouse building.

“County Facilities Building Fund” means the County Facilities Building Fund to be established by the County pursuant to the pro-

visions hereof for the purpose of receiving certain tax receipts required by the provisions hereof to be paid therein.

"Existing Ad Valorem Tax" means the two and one-half mill road, bridge and public building ad valorem tax authorized to be levied by the County pursuant to Section 215 of the Constitution.

"Related Securities" means any bonds or warrants, including refunding bonds or warrants, issued for purposes for which Securities may be issued hereunder after the effective date of this Amendment under the provisions of any other amendment to the Constitution or statute, provided that the governing body of the County in the proceedings authorizing the issuance of such bonds or warrants has pledged for the payment of such bonds or warrants those moneys required by the provisions hereof to be paid into the County Facilities Building Fund.

"Securities" means any bonds or warrants, including refunding bonds or warrants, issued by the County under the provisions of this Amendment.

"Special Ad Valorem Tax" means the special county hospital ad valorem tax authorized to be levied by the County pursuant to Amendment No. 72 to the Constitution.

"Special Taxes" means the Special Ad Valorem Tax and the Existing Ad Valorem Tax.

(B) The County is hereby authorized and directed (subject to prior pledges and agreements, if any) to pay, out of taxes collected each year, beginning with taxes collected with respect to the tax year that began October 1, 1982, one-half of the tax receipts derived from the levy of the Special Ad Valorem Tax into the County Facilities Building Fund. The County shall discontinue paying such tax receipts into the County Facilities Building Fund when all of the Securities issued hereunder and any Related Securities issued by the County have been paid in full, or when the County shall have expended the sum of \$1,500,000 out of the County Facilities Building Fund to pay Costs of County Facilities, whichever shall last occur.

(C) The County is hereby authorized and directed (subject to prior pledges and agreements, if any) to pay, out of taxes collected each year, beginning with taxes collected with respect to the tax year that began October 1, 1982, four-tenths of the tax receipts derived by the County from the levy of the Existing Ad Valorem Tax into the County Facilities Building Fund. The County shall discontinue paying such tax receipts into the County Facilities Building Fund when all of the Securities issued hereunder and any Related Securities issued by the County have been paid in full, or when the County shall have expended the sum of \$1,500,000 out of the

County Facilities Building Fund to pay Costs of County Facilities, whichever shall last occur.

(D) The County is hereby authorized and directed to establish the County Facilities Building Fund for the purpose of receiving the moneys required to be paid therein by the provisions hereof and any other tax receipts or other moneys of the County that the County may determine to pay therein. Funds on deposit in the County Facilities Building Fund shall be used to pay Costs of County Facilities, up to an amount not exceeding \$1,500,000, and to pay principal of and interest and premium, if any, on (1) Securities issued hereunder to finance Costs of County Facilities and (2) Related Securities issued to finance Costs of County Facilities.

(E) The County is hereby authorized to sell and issue from time to time its Securities, not exceeding \$1,500,000 in aggregate principal amount, for the purpose of financing Costs of County Facilities and to pledge for payment of the Securities the portions of the Special Taxes required to be paid into the County Facilities Building Fund.

For the purpose of refunding any Securities, including refunding Securities issued under the provisions of this Amendment, whether the refunding shall occur before, at or after the maturity of the Securities refunded and for the purpose of paying all premiums and expenses of the refunding (including, without limitation, attorneys' fees, costs of printing the refunding Securities, fiscal agents' fees, and accountants' fees), the County is hereby authorized to sell and issue from time to time refunding Securities in an aggregate principal amount not exceeding the sum of (a) the outstanding principal amount of the Securities to be refunded, (b) the interest (accrued or to accrue) to the respective maturities of the Securities to be refunded, or if the Securities to be refunded are to be called for redemption, either on the earliest date on which under their terms they may be redeemed or some later date or dates, the interest (accrued or to accrue) on the Securities to be refunded to the date or dates on which they are to be called for redemption, (c) the amount of any redemption premium required, by the terms of the Securities, to be paid as a condition to their redemption prior to their respective maturities, and (d) the amount of any expenses (actual or estimated) of such refunding.

The Securities issued hereunder may but need not be general obligations of the County, but shall be secured by the portions of the Special Taxes pledged for their payment in the proceedings of the County whereunder the Securities are authorized to be issued and required to be paid into the County Facilities Building Fund.

All Securities issued under this Amendment may be in such

form and denominations and of such tenor and maturities, may bear interest at such rate or rates, payable at such time or times, not exceeding thirty (30) years from their date, may be sold at public or private sale and may contain such provisions not inconsistent with this Amendment as shall be provided in the proceedings of the governing body of the County whereunder such Securities are authorized to be issued. The power to pay, as required herein, the portions of the Special Ad Valorem Tax and the Existing Ad Valorem Tax into the County Facilities Building Fund and the power to issue the Securities shall be in addition to all other powers which the County may have under this Constitution and the laws of Alabama. The indebtedness evidenced by the Securities issued under this Amendment shall be in addition to all other indebtedness authorized to be incurred by the County and shall not be charged against the limitation on the indebtedness of the County provided for in Section 224 of the Constitution.

(F) The County is hereby authorized to pledge for payment of principal of and interest (and premium, if any) on Related Securities the portions of the Special Taxes required to be paid into the County Facilities Building Fund.

(G) It is the intention hereof that the governing body of the County shall pay one-half of the revenues from the Special Ad Valorem Tax and four-tenths of the revenues from the Existing Ad Valorem Tax (subject only to prior pledges of and agreements pertaining to either thereof) as shall, together with any other moneys paid into the County Facilities Building Fund, be sufficient to provide funds to make available County Facilities for the County, either directly through payment of Costs of County Facilities or through payment of the principal of and interest (and premium, if any) on the Securities authorized to be issued hereunder and on any Related Securities that may be issued by the County for the purpose of paying Costs of County Facilities, all to the end that adequate County Facilities will be available in the County. Proceeds of the Special Taxes paid into the County Facilities Building Fund that are not needed within 12 months of the date of such payment to pay principal of and interest on Securities issued hereunder or on Related Securities or to refund Securities shall be used to pay costs of constructing and maintaining the County Facilities herein provided for, or to purchase and retire Securities or Related Securities or to call Securities or Related Securities for redemption prior to the maturity thereof.

(H) The provisions of this Amendment shall be self-executing, and authorization from or any other action by the Legislature shall not be a prerequisite to the issuance of the Securities hereunder or to the use of the proceeds of the Special Taxes as provided herein;

provided, however, that the provisions of this Amendment shall not become operative unless approved by a majority of the qualified electors of the County who vote thereon at a referendum election held for such purpose upon the call of the County Commission, and provided further, that if this amendment is approved by the qualified electors of the County who vote thereon upon its submission, such election shall constitute a referendum held for such purpose and no further election need be called.

(I) It is hereby specifically declared that this Amendment is not being proposed pursuant to the provisions of that certain amendment to the Constitution (known as Amendment No. 425) that was proposed by Act No. 82-330 adopted at the 1982 Regular Session of the Legislature of Alabama, and provisions of the said Amendment 425 are hereby declared to be inapplicable to this Amendment.

Section 2. An election upon the proposed amendment is ordered to be held at the first statewide primary, general or special election after the expiration of three (3) months from the final adjournment of the session of the Legislature at which this bill is enacted. The election shall be held in accordance with the provisions of Section 284, as amended, and Section 285 of the Constitution of Alabama of 1901 and Title 17, Chapter 17, Code of Alabama of 1975.

Section 3. Notice of the election on the proposed amendment shall be given by proclamation of the Governor published in every county in the state for four successive weeks next preceding the day herein appointed, in a newspaper published in each such county; provided that in any county in which there may be no newspaper published, the proclamation shall be published by posting, for a period of not less than four consecutive weeks next preceding the day so appointed, a copy of the said proclamation at each courthouse in the said county. A newspaper shall be deemed to be published in a county, within the meaning of this section, if its principal editorial office is located in that county.

CONSTITUTIONAL AMENDMENT

Passed the House November 17, 1983

Passed the Senate as amended November 22, 1983

House concurred in Senate Amendment November 22, 1983

Act No. 83-792

S.J.R. 5—Senator deGraffenried

SENATE JOINT RESOLUTION

CREATING A JOINT LEGISLATIVE COMMITTEE TO

STUDY THE CONSTRUCTION OF A LEGISLATIVE OFFICE BUILDING.

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a Joint Select Legislative Committee to study all relevant aspects of the construction of a legislative office building. Said committee shall consider the feasibility of the erection of a new building or adaption of an existing building to meet legislative needs.

Said committee shall consist of five members of the House of Representatives to be appointed by the Speaker of the House of Representatives and five members from the Senate to be appointed by the President of the Senate. The members shall select a chairman from among themselves. The committee shall meet upon the call of the chairman. The committee members shall be entitled to their regular legislative compensation, per diem and travel expenses for each day said members attend a meeting of the committee. Each legislative member shall further be entitled to actual expenses for travel outside the State of Alabama which is deemed necessary by the Chairman, approved by the presiding officer of his respective house and in accordance with the objectives of the committee. The expenditures of this committee shall not exceed \$20,000.00. Said compensation shall be paid out of any funds appropriated to the use of the legislature. The Clerk of the House and the Secretary of the Senate shall furnish the committee with any necessary clerical assistance and supplies needed by the committee in performing its duties to be paid from funds appropriated to the use of the legislature. Said committee to report to the Legislature no later than the third legislative day of the regular session of the Legislature 1984.

Approved November 23, 1983

Time: 3:45 P.M.

Act No. 83-793

H.J.R. 10—Rep. Johnson (Roy)

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Tuesday, November 15, 1983, we adjourn to meet again on Wednesday, November 16, 1983; Thursday, November 17, 1983; Monday, November 21, 1983; and Tuesday, November 22, 1983.

Approved November 23, 1983

Time: 3:45 P.M.

Act No. 83-794

H.J.R. 7—Rep. Johnson (Roy)

HOUSE JOINT RESOLUTION

CREATING A LEGISLATIVE PARKING COMMITTEE.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE OF ALABAMA CONCURRING, That there is hereby created a joint committee to work with the Chief of Services, Department of Finance, in assigning parking places to members of the Legislature. Said committee shall consist of three members of the House, to be appointed by the Speaker, and three members of the Senate, to be appointed by the presiding officer of the Senate.

Approved November 23, 1983

Time: 3:45 P.M.

Act No. 83-795

H.J.R. 8—Rep. Johnson (Roy)

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a committee of three members of the House, to be named by the Speaker of the House, and three members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

Approved November 23, 1983

Time: 3:45 P.M.

Act No. 83-796

H.J.R. 9—Rep. Johnson (Roy)

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a joint session of the House and Senate be held at 6:00 P.M. on November 15, 1983 for the purpose of hearing the message of the Honorable George C. Wallace, Governor of Alabama.

AND BE IT FURTHER RESOLVED, That a committee of three from the House, to be named by the Speaker of the House,

and a committee of three from the Senate be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him that the two Houses will meet in joint session at the hour named above, for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

Approved November 23, 1983

Time: 3:45 P.M.

Act No. 83-797

H.J.R. 14—Reps. Seibels, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.) Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Zoghby

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF SERGEANT REX W. WINCHESTER OF THE IRONDALE POLICE DEPARTMENT.

WHEREAS, it is with deep sadness and regret that the Alabama Legislature notes the tragic death of Sergeant Rex W. Winchester on July 12, 1983, at the age of just 54 years; and

WHEREAS, Sergeant Winchester, a veteran officer of some 15 years with the Irondale Police Department, was killed in the line of duty, the ultimate sacrifice of a heroic man in service to humanity; and

WHEREAS, Sergeant Winchester was a man possessed of quiet courage and one whose great strength was in his compassion for others, even in the face of foe; he was a very unique individual, made singular in his preference for seeking a peaceable solution to violence and through use of force only as a last resort; and

WHEREAS, it was this courage of conviction that thus led to his death and to a loss that is shared by all those throughout the State of Alabama, and our nation, who hold dear a citizen's right to a lawful and orderly society; and

WHEREAS, Sergeant Winchester's departmental records reveal a number of letters of commendation from grateful citizens; it is in the hearts of these people, his fellow officers and beloved family that his memory yet lives; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we give thanks for his life, we grievously mourn the death of Sergeant Rex W. Winchester and extend our most heartfelt sympathy to his wife, Mrs. Louise Winchester, and to their three children, to whom copies of this resolution shall be sent in expression of deepest regret.

BE IT FURTHER RESOLVED, That a copy of this resolution also be forwarded to the Police Department of the City of Irondale from whose ranks rose a hero larger than life itself.

Approved November 23, 1983

Time: 3:45 P.M.

Act No. 83-798

H.J.R. 15—Reps. Moore, Tanner, Smith

HOUSE JOINT RESOLUTION

COMMENDING THE MONTEVALLO HIGH SCHOOL FOOTBALL TEAM.

WHEREAS, the Montevallo High School Football Team has

just concluded a very successful regular season with 9 wins and only 1 loss; and

WHEREAS, the Bulldogs have won the Area 7 Championship of Class 2A with the right to play in the State Playoffs; and

WHEREAS, the team's head coach is Richard Gilliam with assistants Bobby Pierson, Kurt Pnazek, Brad Bensinger, and Tony Berry; and

WHEREAS, the team members are: Terry Rutledge, Jimmy Sailes, Andy Chism, Ricky Gaddis, Antonio Devould, Taylor Blackwell, Andy Anderson, Trey Hughes, Bill Devinner, Jeff Chism, Rodney Tolbert, Dwayne Jackson, Kevin Lacey, Jeff Gentry, Quinten Chism, Barry Worthy, John Mayhall, Andy Brindley, Mike Jones, Clyde Sailes, Norman Payne, Jackie Pickett, Charles Towner, James Lucas, Bob Peete, Kevin Staffney, Johnny Holsombeck, Lonnie Layton, Jim Wade, Paul Bush, Anthony Prentice, Freeman Rutledge, Steve Spear, Rick Dobson, Doug Compton, Sean Roberts, Mark Gilbert, Keith Moore, Lionel Green, Tommy Layton. The managers are: Jeffrey Smitherman, Benjamin Gaddis, Robert Earl Ross, Jonathan Bates, and Charles Devinner. The student assistant coach is J. J. Moore.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Montevallo High School Bulldogs, Principal Norman Payne, the faculty and students, especially the Cheerleaders and the marching Troubadours, be commended for their excellent regular season play and best wishes in the state playoffs.

BE IT FURTHER RESOLVED that copies of this resolution be presented to Mr. Norman Payne, Principal, Montevallo High School; Mr. Ellie Glasscox, Superintendent of Education, Shelby County; and to Coach Richard Gilliam.

Approved November 23, 1983

Time: 3:45 P.M.

Act No. 83-799

H.J.R. 17—Rep. Nicholson

HOUSE JOINT RESOLUTION

HONORING DR. W.E. BIRDSONG OF JASPER, ALABAMA.

WHEREAS, the legislature of Alabama has noted, with pleasure, Dr. W.E. Birdsong's election as President of Alabama Chapter of the American Academy of Family Practice by his colleagues; and

WHEREAS, Dr. Birdsong has previously served with distinction within his professional organizations including the Walker County Medical Association, American Medical Association and American Academy of Family Practice; and

WHEREAS, he established his family practice in Jasper in 1965 and during the past 18 years has devoted 24 hours a day and seven days a week treating his patients for all illnesses and without thought as to their ability to pay; and

WHEREAS, Jasper's beloved Dr. Birdsong is a compassionate physician who is dedicated to his profession, sensitive to the needs of his patients and deeply aware of his responsibility in ministering to their physical and total well-being; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Dr. W.E. Birdsong on his outstanding career as physician and friend; we further wish him well in continued pursuit of his noble profession and presidency, directing that he receive a copy of this resolution as but a token of our appreciation and esteem.

Approved November 23, 1983

Time: 3:45 P.M.

Act No. 83-800

H.J.R. 18—Reps. Nicholson, Brakefield,
Richardson

HOUSE JOINT RESOLUTION

COMMENDING LUCIOUS "SONNY" RICHARDSON OF JASPER, ALABAMA.

WHEREAS, the Legislature of Alabama notes with pleasure and pride that Lucious "Sonny" Richardson has been named outstanding employee of the year by the local chapter of the Alabama Employees' Association of Walker County, Alabama; and

WHEREAS, "Sonny" served his country with distinction and has retired from 20 years of service in the United States Army; and

WHEREAS, Sonny has served with tireless devotion and unending dedication in ministering to the needs of the veterans of Walker County and their families without regard to office hours; and

WHEREAS, Sonny has, in the short time since retiring from service to his country, become a vital part of the Jasper community and a valued friend to all those he has worked for; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF THE

STATE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Lucious "Sonny" Richardson on being named employee of the year.

BE IT FURTHER RESOLVED, That Lucious "Sonny" Richardson be presented a copy of this resolution so that he may know of our high regard and esteem.

Approved November 23, 1983

Time: 3:45 P.M.

Act No. 83-801

H.J.R. 21—Rep. Harvey

HOUSE JOINT RESOLUTION

COMMENDING COACH HUGH O'SHIELDS OF ONEONTA, ALABAMA.

WHEREAS, Coach Hugh O'Shields of Oneonta retired recently following a lengthy and accomplished career as one of our State's most successful high school coaches; and

WHEREAS, Hugh O'Shields, who was a football standout both at Geraldine High School and at Jacksonville State University, began his coaching career at Sylvania High School in DeKalb County, moving to Blount County in 1951 to accept a position at Cleveland High School where he coached for fifteen years; and

WHEREAS, following his tenure at Cleveland High, during which period he directed three undefeated teams and experienced the only losing season of his entire career, Coach O'Shields became head coach at Oneonta High School to retire after seventeen years with a phenomenal record to his credit and for the Redskins; and

WHEREAS, from 1966, Coach O'Shields' first year at Oneonta, through the 1983 season, the Redskins did not record a single losing season and nine of Coach O'Shields' teams competed in the state football playoffs; in 1971 the Redskins were co-state champions with Abbeville, capturing the title for themselves alone in 1972; and

WHEREAS, Coach O'Shields further professionally served for 12 years on the Alabama High School Athletic Association's Legislative Council and for seven years on the Central Board of Control; and

WHEREAS, with the retirement of Hugh O'Shields, the fraternity of high school coaches has lost an exceptional member whose talent and ability for leadership is unexcelled; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,

BOTH HOUSES THEREOF CONCURRING, That we herein most highly commend Coach Hugh O'Shields of Oneonta, Alabama; we further wish him continued success in all future endeavors and direct that he receive a copy of this resolution, in expression of our sincere praise of his extraordinary career and in small token of our warmest personal regard.

Approved November 23, 1983

Time: 3:45 P.M.

Act No. 83-802

H.J.R. 22—Reps. Rains, Coleman

HOUSE JOINT RESOLUTION

COMMENDING MR. AND MRS. FURMAN NORTON ON THEIR 73RD WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the recent 73rd Wedding Anniversary, September 11, 1983, of Mr. and Mrs. Furman Norton of Albertville, Alabama; and

WHEREAS, in the sight of God, Furman Norton and Ocie Hambrick were joined in wedlock on September 11, 1910, at Nixon Chapel and these two fine people, forsaking all others, have remained in said Holy state for 73 years; and

WHEREAS, adhering to Biblical admonition, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their marriage vows, setting an example to be emulated by young couples who also pledge themselves to one another until parted by death; and

WHEREAS, Mr. and Mrs. Norton, who are 94 and 89 years young respectively, are the parents of four children, one of whom is deceased, and are the loving grandparents of twenty-five wonderful grandchildren, fourteen great-grandchildren and three great-great grandchildren; and

WHEREAS, Mr. Norton is a retired farmer and Mrs. Norton, a homemaker, loves to cook and is widely known for her cooking; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary couple of Albertville, Alabama, and wish them many more happy years together in their union blessed by God, and a marriage of Christian dedication and morality.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. and Mrs. Norton that they may know of our congratulations and warm best wishes.

Approved November 23, 1983

Time: 3:45 P.M.

Act No. 83-803

S.J.R. 16—Senator Bishop

SENATE JOINT RESOLUTION

TO CREATE A JOINT LEGISLATIVE INTERIM COMMITTEE TO STUDY THE ALABAMA AERONAUTICS COMMISSION.

WHEREAS, the legislature created the Alabama Aeronautics Commission in 1945 to regulate and assist the operation of rural airports in this State; and

WHEREAS, this commission is therefore a creature of the legislature and should be responsive to the directions and mandates of the legislature; and

WHEREAS, the legislature, in the Second Special Session 1983 created the position of Assistant Director of Aeronautics; and

WHEREAS, since the creation of this position by the legislature certain questions have been posed as to the wisdom of the legislature in creating this position; and

WHEREAS, the creation of this position by the legislature has through the Director of the Aeronautics Commission been publicly criticized as unnecessary; and

WHEREAS, the Director of the Commission has called his opposition to the action of the legislature creating this position to the attention of the news media of this state instead of to the legislative body that created this position; and

WHEREAS, the legislature recognizes the need to inquire into and investigate the allegations of the Director as to whether the position of Assistant Director is necessary and whether the position is held by a qualified person, and

WHEREAS, the legislature deems it necessary and appropriate at this time to create a Joint Interim Committee to study and investigate all phases and activities of the Aeronautics Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,

BOTH HOUSES THEREFORE CONCURRING, That there is hereby created the Joint Interim Aeronautics Commission Committee which shall be composed of 3 members of the House appointed by the Speaker and 3 members of the Senate appointed by the presiding officer of the Senate. The Committee shall meet within ten days from the passage of this SJR and shall elect from among its membership a chairman and vice-chairman. The staff and facilities of the legislature shall be available to this committee and the chairman of the committee is authorized to call meetings and issue subpoenas for persons and documents to be caused to appear before said committee. There is hereby appropriated \$1,000 from the funds available for the legislature to be paid to the members of this committee when conducting committee business when the legislature is not in session at regular pay for members as though in session.

The committee shall make its findings known to the legislature by the last legislative day of the 1984 Regular Session at which time it shall stand dissolved.

Approved November 22, 1983

Time: 2:00 P.M.

Act No. 83-804

S.J.R. 10—Senators Pearson, Sanders,
Figures and Bennett

SENATE JOINT RESOLUTION

COMMENDING DAVID VANCE OF BESSEMER, ALABAMA, FOR OUTSTANDING ATHLETIC ACHIEVEMENT.

WHEREAS, on August 3, 1983, the Seventeenth Annual U. S. Youth Games were held in Worcester, Massachusetts, with Alabama and fourteen other states represented in this competition; and

WHEREAS, following two months of practice, David Vance was selected to participate on the Birmingham team, helping to represent that city in field and track events; and

WHEREAS, for his outstanding performances, David Vance received a silver medal in the 400 meter dash as well as a silver medal in the 800 meter dash with times of 62.60 seconds and 2:24.9 respectively; he also received a gold medal as a member of the track and field team which earned the highest points in this division; and

WHEREAS, David Vance, who is an 11 year old sixth grade student at Saint Aloysius, resides in Bessemer, Alabama, and is a member of the Jerusalem Baptist Church; and

WHEREAS, always showing an interest in athletics as well as displaying a special aptitude for track, David was a member of the Bessemer Dixie Youth Baseball League for four years and is presently a member of the basketball team at St. Aloysius; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly praise and commend David Vance of Bessemer, Alabama, for outstanding athletic achievement, and direct that he receive a copy of this resolution in token of our regard and in expression of our admiration for his notable accomplishments at such an early age.

Approved November 23, 1983

Time: 3:45 P.M.

Act No. 83-805

S.J.R. 6—Senator Menton

SENATE JOINT RESOLUTION

CREATING AN INTERIM LEGISLATIVE COMMITTEE TO ASSESS THE IMPACT OF THE COMPLETION OF THE TENNESSEE-TOMBIGBEE WATERWAY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to be composed of four members of the House of Representatives to be appointed by the Speaker and four members of the Senate to be appointed by the Lieutenant Governor. The committee shall study all aspects of the impending completion of the Tennessee-Tombigbee Waterway including the impact that its completion shall have on the State of Alabama. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total of such expenses shall

not exceed \$10,000.

Approved November 23, 1983

Time: 5:00 P.M.

Act No. 83-806

S. 19—Senators Corbett, Bedsole, Little, Bailey, Foshee, Menton, Aldridge, deGraffenried, Parsons, Bedford, Pearson, Cabaniss, Sanders, Strong, Ellis, Goodwin, Holmes, Bishop and Covington

AN ACT

To provide for the use of blue reflective markers, of varying types, for the purpose of indicating the location of fire/water hydrants along public roads.

Be It Enacted by the Legislature of Alabama:

Section 1. For purposes of this act, the following words and phrases shall have the respective meanings ascribed to them:

(a) "Blue Reflective Markers" shall mean non-lighted, but reflective devices which are blue in color of the reflected light and conform to the most recent edition of the Manual on Uniform Traffic Control Devices for Streets and Highways and/or other standards issued or endorsed by the highway director and the federal highway administrator.

(b) "Fire/Water Hydrant" shall mean all standpipe hydrants installed on public and private water delivery systems which are installed along public roads within the state, and which are of a size and style to allow adequate water supply to fill fire suppression vehicles of municipal and/or certified volunteer fire departments or furnish a supply of water to trucks at a fire scene.

Section 2. Blue reflective markers shall be used exclusively for the purpose of indicating the location of fire/water hydrants which are located on public roadways within the state, or on private property with the owner's permission. Markers which are installed so as to be adhered to paved road surfaces or which are placed anywhere within the highway right-of-way shall be placed in conformance with the most recent edition of the Manual on Uniform Traffic Control Devices for Streets and Highways and/or other standards issued or endorsed by the highway director and the federal highway administrator.

Section 3. Blue reflective markers may be installed by any municipality, county, fire district, fire or water authority, or any cer-

tified volunteer fire department within their primary coverage areas and shall be recognized by all fire departments and firefighters for the purpose stated.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 23, 1983

Time: 5:00 P.M.

Act No. 83-807

S.J.R. 41—Senator Little

SENATE JOINT RESOLUTION

RECOGNIZING PARTICIPANTS IN THE AUBURN UNIVERSITY BLOOD DRIVE AND ENCOURAGING LIKE PARTICIPATION, STATEWIDE.

WHEREAS, the students, faculty and staff of Auburn University are indeed to be commended for outstanding participation, through the years, in their Auburn campus blood drives; and

WHEREAS, the enthusiastic support of participants, for example, has on occasion produced in excess of 6,000 units of blood in a given year; and

WHEREAS, Auburn University also still holds the record for having coordinated the largest university blood drive in the entire United States; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of a demonstrated concern for hospitalized patients within our State and in praise of the caring attitude of the university segment of our citizenry, we do hereby most highly commend the students, faculty and staff of Auburn University for their extraordinary participation in campus blood drives.

BE IT FURTHER RESOLVED, That we would also encourage their continued support of this worthy cause and would challenge other groups throughout Alabama to join Auburn University in support of the American Red Cross blood drives.

Approved November 23, 1983

Time: 5:00 P.M.

Act No. 83-808

S.J.R. 39—Senators Cooley, deGraffenried, Bishop, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Cabiness, Corbett, Covington, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Langford, Little, Menton, Mitchem, Parsons, Pearson, Sanders, Smith (B), Smith (J), Strong and Teague

SENATE JOINT RESOLUTION

COMMENDING DR. WILLIAM R. BENNETT UPON HIS RETIREMENT FROM THE UNIVERSITY OF ALABAMA.

WHEREAS, the Alabama Legislature expresses utmost commendation of Dr. William R. Bennett upon his retirement from the University of Alabama, and as Director of the Center for International Trade for the State of Alabama; and

WHEREAS, Dr. Bennett has been associated with the University for some 35 years, 34 of which include teaching experience; he also has served as Director of the Graduate School of Business, as Associate Dean of the School of Commerce and Business Administration, and currently as professor of marketing and international business; and

WHEREAS, he further has served as Director of the Small Business and Development Center and the Center for International Trade for the State of Alabama; and

WHEREAS, a member of Beta Sigma Kappa professional fraternity and Omicron Delta Kappa honorary, Dr. Bennett additionally is a past president of the Southern Marketing Association, member of the Alabama Export Council, and is a member of the board of directors of the Alabama World Trade Man of the Alabama World Trade Association; and

WHEREAS, Dr. Bennett, as the recognized authority in the field of international trade for the State of Alabama, has been instrumental in the tremendous strides made in this area which have

so positively affected Alabama's economy; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly praise and commend Dr. William R. Bennett for outstanding service both to the University of Alabama and to the entire State of Alabama as well; we further wish him every future success and direct that he receive a copy of resolution in token of our regard.

Approved November 23, 1983

Time: 5:00 P.M.

Act No. 83-809

S.J.R. 38—Senator Cooley

SENATE JOINT RESOLUTION

COMMENDING DR. W. CHARLES OLIVER, A RETIRING DISTRICT SUPERINTENDENT OF THE CHURCH OF THE NAZARENE.

WHEREAS, Dr. W. Charles Oliver is a graduate of Bethany Nazarene College, Bethany, Oklahoma, in 1949, and was honored by Olivet Nazarene College, Kankakee, Illinois with the Doctor of Divinity degree in 1975; and

WHEREAS, he served his first pastorate in Texas City, Texas for six years during which time membership was increased over two hundred as well as a new church sanctuary and parsonage constructed; and

WHEREAS, he served one year in full time evangelism before accepting the pastorate of First Church of the Nazarene, Bradenton, Florida in 1956, and during his five years the congregation more than doubled in membership and finances; and

WHEREAS, twelve years to the month after accepting his first pastorate, he was appointed District Superintendent of the Mississippi District in May 1961, serving in this assignment for seven years; and

WHEREAS, he became superintendent of the Southwest Indiana District in September 1968 and during the nine years of leadership district growth reached 109 churches; and

WHEREAS, Dr. Oliver became District Superintendent of the Alabama District Church of the Nazarene in July 1977 and during his six years as superintendent in Alabama has supervised the organization of six new churches, in addition district giving has increased over one and one-half million dollars as well as substantial

numerical and spiritual growth in all areas; and

WHEREAS, Dr. Oliver having served thirty-four years in the ministry, twenty-two years as a District Superintendent in the Church of the Nazarene, is a stalwart leader of men, an individual of compassion and is exemplary in character and spirit as a minister of God's Word; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Dr. W. Charles Oliver of the Church of the Nazarene; we sincerely wish him well in all future endeavors, and express our sincere regard of his service for twenty-two years as a District Superintendent and direct that he receive a copy of this resolution in small token of our regard.

Approved November 23, 1983

Time: 5:00 P.M.

Act No. 83-810

S.J.R. 37—Senator Cooley

SENATE JOINT RESOLUTION

COMMENDING COACH JOE SHULTS OF CULLMAN, ALABAMA.

WHEREAS, Coach Joe Shults has served as varsity Basketball Coach at Cullman's Fairview High School for fifteen years; and

WHEREAS, Coach Shults' phenomenal record at Fairview High stands at 289-112 with six county championships, three area championships and two regional crowns to his credit; and

WHEREAS, during Coach Shults' 20-year career, his record is 400-150, over all; and

WHEREAS, though his tenure at Fairview High School is distinguished in accomplishment, Coach Shults more importantly has served as both mentor and friend to the scores of students who have come under his tutelage for the past fifteen years; and

WHEREAS, indicative of the high regard in which Coach Shults is held is the recent naming of the Fairview High School Gymnasium in his honor during dedication ceremonies on November 13, 1983; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Coach Joe Shults of Cullman, Alabama, on his outstanding career and further express our gratitude for his service to

the students of Fairview High School.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Coach Shults in appreciation of his accomplishments and in expression of our esteem.

Approved November 23, 1983

Time: 5:00 P.M.

Act No. 83-811

S. 2—Senators Teague, Goodwin and Foshee

AN ACT

To make a supplemental appropriation of \$78,000.00 to the Alabama Board of Nursing from the Alabama Board of Nursing Trust Fund for the fiscal year ending September 30, 1984.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other appropriations heretofore or hereafter made from the Alabama Board of Nursing Trust Fund, there is hereby appropriated to the Alabama Board of Nursing the sum of \$78,000.00 from the Alabama Board of Nursing Trust Fund for the fiscal year ending September 30, 1984.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 28, 1983

Time: 5:00 P.M.

Act No. 83-812

S. 6—Senator Aldridge

AN ACT

To amend Section 34-24-70, Code of Alabama, 1975, as amended by Act No. 81-1139, and §34-24-77, Code of Alabama, 1975, so as to permit the State Board of Medical Examiners to accept equivalent examinations for certain categories of applicants for certificates of qualification, and so as to permit the Board to set the fees paid by applicants for certificate of qualification by examination and by reciprocity.

Be it Enacted by the Legislature of Alabama:

Section 1. Section 34-24-70, Code of Alabama, 1975, is hereby amended to read as follows:

(a) Any applicant for a certificate of qualification by examination or by reciprocity to practice medicine or osteopathy in the state

of Alabama who has graduated from a college of medicine or osteopathy in the United States or District of Columbia which has been approved by the Board of Medical Examiners shall submit to the Board of Medical Examiners:

(1) A diploma or other satisfactory evidence showing graduation from such college of medicine or osteopathy; and

(2) Evidence satisfactory to the Board that the applicant has completed at least one year of internship at a hospital approved by the Board of Medical Examiners.

(b) Any applicant for a certificate of qualification by examination or by reciprocity to practice medicine or osteopathy in the State of Alabama who has not graduated from a college of medicine or college of osteopathy located in the United States or District of Columbia shall submit to the Board of Medical Examiners:

(1) A diploma or other satisfactory evidence showing graduation from a college of medicine or osteopathy;

(2) Evidence satisfactory to the Board that the applicant has received a passing grade on the written examination given by the educational council for foreign medical graduates, except that if an applicant has graduated from a college of medicine or college of osteopathy which is accredited by the Liaison Committee for Medical Education of the American Medical Association or which is listed in the World Directory of Medical Schools published by the World Health Organization, but which is not located in the United States or the District of Columbia and such applicant is not eligible to be examined by the Educational Council for Foreign Medical Graduates under its then current eligibility requirements, then, in those circumstances only, the Board shall accept such equivalent examination as it may, within its discretion, approve.

(3) Evidence satisfactory to the Board that the applicant has completed at least one year of internship at a hospital approved by the Board of Medical Examiners.

(c) Any applicant for a certificate of qualification to practice medicine or osteopathy in the State of Alabama who has complied with the requirements set forth in the preceding subsections shall be permitted to take the examination given by the National Board of Medical Examiners, the Federation Licensing Examination or any other examination which is or shall be approved by the Board of Medical Examiners and which examines in the following branches of medical learning; general medicine, surgery, obstetrics, gynecology, preventive medicine and jurisprudence and such other branches as the Board may require.

(d) Any applicant for a certificate of qualification by examination or by reciprocity to practice medicine or osteopathy in the State of Alabama who has not graduated from a college of medicine or college of osteopathy located in the United States or District of Columbia and any applicant who has graduated from a college of medicine or college of osteopathy in the United States or District of Columbia, but has not passed a written state licensing examination, the examination given by the National Board of Medical Examiners, or the Federation Licensing Examination within ten (10) years immediately preceding the date of the application shall be required to successfully complete an oral examination given by the Board of Medical Examiners or its designated agent. An oral examination shall not be required of any applicant who has been certified by or who has passed a recertification examination given by one of the specialty boards approved by the American Medical Association within ten (10) years immediately preceding the date of the application.

(e) Any applicant who successfully completes such examinations with a passing score acceptable to the Board of Medical Examiners shall be issued a certificate of qualification to practice medicine or osteopathy in the State of Alabama.

Section 2.

Section 34-24-77, Code of Alabama, 1975 is hereby amended to read as follows:

The fee for an examination or for reciprocity shall be fixed by the board, which amount must be paid in advance of the examination or prior to the granting of reciprocity, and to such person as the board may authorize to receipt therefor. A fee shall not be returnable to an unsuccessful applicant for examination, but such applicant shall be entitled to a second examination without paying an additional fee, provided such second examination is obtained within one year after the date of the first examination. The fee paid by an unsuccessful applicant for reciprocity shall be returned to such unsuccessful applicant.

Section 3.

Repeal — All laws or parts of laws which conflict with this act or any of its provisions are, to the extent of such conflict, hereby repealed.

Section 4.

Severability — The provisions of this act are severable. If any portion of this act be held unconstitutional or invalid, it shall not affect any portion of this act not in itself unconstitutional or invalid.

Section 5.

Effective date — This act shall take effect immediately upon its passage and signature by the Governor.

Approved November 28, 1983

Time: 5:00 P.M.

Act No. 83-813

S. 9—Senators Mitchem, Teague, Barron,
Bedford, Menton, Smith (J)
Bedsole, Foshee and Bishop

AN ACT

To provide for a supplemental appropriation for the use of the Legislature and the Legislative Reference Service.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated, in addition to all other appropriations heretofore made, the amount of \$500,000 for use of the Legislature and \$75,000 for the Legislative Reference Service. Said amounts shall be paid from any funds available therefor in the state treasury.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon is otherwise becoming a law.

Approved November 28, 1983

Time: 5:00 P.M.

Act No. 83-814

S. 12—Senator Smith (J.)

AN ACT

To provide for the 1983 Taxpayer Convenience Act, by amending Section 40-7-2.1, Code of Alabama 1975, which relates to the time for making property assessments, so as specifically to authorize the county tax assessors to accept applications for homestead exemptions between January 1 and September 30 of each taxable year, with the assessment and homestead exemption to become effective on the following October 1.

Be It Enacted by the Legislature of Alabama:

Section 1. This amendatory act shall be known as the 1983 Taxpayer Convenience Act.

Section 2. Section 40-7-2.1, Code of Alabama 1975, is hereby amended to read as follows:

"§ 40-7-2.1. Notwithstanding any other law to the contrary, the county tax assessor may assess property for tax purposes and perform related tax assessing functions and requirements, including the acceptance of applications for homestead exemptions, from January 1 to September 30 of each taxable year and the assessment, including the homestead exemption, shall become effective on the following October 1. Provided, however, nothing herein contained shall be construed to relieve a person claiming a homestead exemption under Sections 40-9-19 through 40-9-21, inclusive, Code of Alabama 1975, or any other law of the responsibility of furnishing proof of age, or disability and total gross income for the year preceding the year for which the exemption will be effective as required by law."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 28, 1983

Time: 5:00 P.M.

Act No. 83-815

S.J.R. 21—Senator Cooley

SENATE JOINT RESOLUTION

CREATING THE CULLMAN COUNTY ELECTED OFFICIALS SALARY COMMISSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there be and hereby is established in Cullman County, a commission to be known as the Cullman County Elected Officials Salary Commission, hereinafter called "the commission." The commission shall be composed of such members as may be selected by the Cullman County legislative delegation. Appointments shall serve at the pleasure of the appointing authority and vacancies shall be filled by the appointing authority. The commission shall select a chairman. The commission shall make its own rules for the conduct of business. Meetings shall be held at the call of the chairman. Members of the commission shall serve without compensation. Administrative support shall be provided by the Cullman County Legislative Office.

The objective of the commission will be to provide information and recommendation regarding salaries of Cullman County elected officials. The specific objectives of the commission shall be described by the Cullman County legislative Delegation. This resolution supersedes and amends any previous resolutions relating thereto.

Approved November 28, 1983

Time: 5:00 P.M.

Act No. 83-816

S.J.R. 22—Senator Figures

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF MRS. MARTHA LORRAINE SYKES HAMILTON OF MOBILE, ALABAMA.

WHEREAS, the Alabama Legislature grievously notes the untimely death of Mrs. Martha Lorraine Sykes Hamilton of Mobile, Alabama, on November 18, 1983, at the age of just 46 years; and

WHEREAS, a native of Mobile and educated in the public schools of that city, Mrs. Hamilton had been involved in unselfish service on behalf of area citizens since 1965, with Mobile Community Action's Head Start Program.

WHEREAS, in 1968 she became coordinator of Parent Involvement and Volunteers for the Mobile Community Action's Headstart program; and

WHEREAS, Mrs. Hamilton also served as vice president of the Alabama Headstart Association and as treasurer of her church, The Mount Zion Primitive Baptist Church of Mobile; and

WHEREAS, she further pioneered Arts and Crafts for the Parent Involvement and Volunteers organization and, by virtue of her resolve to be of service, in 1965, was one of the first parents to become involved with the headstart program; and

WHEREAS, Mrs. Hamilton, in addition to her beloved husband, Mr. Emanuel Hamilton, is survived by their two sons, four daughters and two grandsons, all of whom are bereft in grief and whose sorrow we truly share; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Mrs. Martha Lorraine Sykes Hamilton of Mobile, Alabama, and extend sincere sympathy to her family, to whom a copy of this resolution shall be presented, expressing our concern for them in this time of such deep sorrow.

Approved November 28, 1983

Time: 5:00 P.M.

Act No. 83-817

S.J.R. 23—Senator Aldridge

SENATE JOINT RESOLUTION

COMMENDING THE HARTSELLE FIREFIGHTERS ON THEIR RECENT NOMINATION FOR THE 1983 PRESIDENT'S VOLUNTEER ACTION AWARD.

WHEREAS, the Alabama Legislature notes with pleasure the recent nomination of the Hartselle, Alabama, firefighters for the 1983 President's Volunteer Action Award; and

WHEREAS, the nomination was, in part, the result of the firefighters' annual fund-raising efforts on behalf of multiple sclerosis research; they managed to raise \$3,300 in donations this year; and

WHEREAS, President Reagan recently acknowledged the numerous civic and charitable contributions to the betterment of mankind in a hand-signed letter; and

WHEREAS, the letter from the President stated in part ". . . Your dedication to serving your community and your fellowman has helped to revitalize the spirit of voluntarism in our Nation"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate the Hartselle, Alabama, firefighters on their nomination for the 1983 President's Volunteer Action Award.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the firefighters and Chief P. C. Hill as evidence of esteem and warmest personal regard.

Approved November 28, 1983

Time: 5:00 P.M.

Act No. 83-818

S.J.R. 26—Senators Bailey and Covington

SENATE JOINT RESOLUTION

HONORING MICKEY MOUSE FOR 55 YEARS OF MERRIMENT.

WHEREAS, the Alabama Legislature notes that Daleville cable television is initiating the Disney channel on December 3, 1983; and

WHEREAS, for this occasion the original Mickey Mouse will be

in the Daleville area on December 3; and

WHEREAS, in November, 1928 Walt Disney introduced Mickey Mouse to the world in "Steamboat Willy" which introduced cartoons with sound and the concept of making one cartoon for each movement; and

WHEREAS, during the last fifty-five years Mickey Mouse has contributed to the enjoyment, enchantment and merriment of millions around the globe; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do congratulate the effervescent and timeless Mickey Mouse on his fifty-fifth birthday and thank him for all the joy, hilarity, and amusement he has brought into our lives over the years,

BE IT FURTHER RESOLVED, That we do extend our heartiest greetings and welcome to Mickey Mouse, as he visits ten of our southeastern counties in Southeast Alabama for the inauguration of the Disney channel in that area of our state.

RESOLVED FURTHER, That a copy of this resolution be presented to Mickey Mouse as a token of our esteem.

Approved November 28, 1983

Time: 5:00 P.M.

Act No. 83-819

H.J.R. 28—Rep. Butler

HOUSE JOINT RESOLUTION

AMENDING ACT 79-816, SJR 172 (Acts of 1979, p.1515) AS AMENDED SO AS TO ADD TWO MEMBERS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Act 79-816, SJR 172 (Acts of 1979, p. 1515) as amended as follows.

WHEREAS, the Medicaid program of the State of Alabama is taking a larger and larger portion of the funds in the state treasury; and

WHEREAS, there exists on a regular basis a crisis situation with the administration of state funds for the medicaid program; and

WHEREAS, the members of the general public and state officials are becoming alarmed at the increasing cost of this program to the state; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a continuing joint select committee to be composed of five members of the House and five members of the Senate to be appointed by the presiding officer of each house. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall study all facets of the medicaid program with particular emphasis on the increasing cost to the state of such program. The committee shall also study the impending impact of federal block grants to operate state health and welfare programs. The committee shall have subpoena powers and the power to punish for contempt.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the fifth legislative day of the 1984 Regular Session and each regular session thereafter. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session but they shall receive their travel expenses for all meetings attended and any travel upon the business of the committee and the total expenses of the committee shall not exceed \$7,000.00 per annum.

Approved November 28, 1983

Time: 5:00 P.M.

Act No. 83-820

H. 5—Reps. Martin, Parker

AN ACT

Relating to Morgan County; amending further Sections 3, 5, 7, 8, 9, 10, 13, 14 and 15 of Act No. 89, H. 234, Regular Session 1939 (Local Acts 1939, p. 47), as amended, creating the Municipal Utilities Board of Decatur, so as to provide further for the organization, membership, administration and general operations of such board and the compensation of the members of such board and to repeal Sections 17 and 19 of said Act, as amended.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 3, 5, 7, 8, 9, 10, 13, 14 and 15 of Act No. 89, H.234, Regular Session 1939 (Local Acts 1939, p. 47), as

amended, are hereby amended further to read as follows:

"Section 3. Qualification of Members of the Board. No person shall be eligible for membership on said board who is not a qualified elector of the City of Decatur, Alabama, or who is an officer of the City, or an employee thereof or is a member of the governing body of the City, or the term for which he was elected on the governing body has expired within six months prior to his election to the board.

"Section 5. Method of Election and Term of Office of the Members of the Board. The members of the board shall serve staggered terms of nine years each. Each term shall begin on July 1, following the expiration of the term of the member whose term has expired and shall expire on June 30 of the year concluding such nine year term. At a meeting of the governing body of the City of Decatur in March in each year that the term of a member of the board expires on June 30 next following, the governing body shall elect the successor of the member of the board whose term expires on June 30 next following and the person so elected shall become a member of the board on July 1 next following his election and shall hold the position for a period of nine years and until his successor is elected and qualified. A member of the board may succeed himself if the governing body desires to re-elect him. Whenever a vacancy occurs in the board by resignation, death, or some other cause, the governing body shall immediately fill said vacancy electing another person to the board, who shall serve for the remainder of the unexpired term of the member he succeeds. The terms of the present members of the board shall expire as follows: William E. Sexton's term shall expire on June 30, 1984; Haskell J. Ross' term shall expire on June 30, 1987, and Wilson Morgan's term shall expire on June 30, 1990.

"Section 7. Compensation of the Members of the Board. The chairman of the board shall be paid at the rate of \$300.00 per month and each of the other members of the board shall be paid at the rate of \$250.00 per month. The compensation of the members of the board shall be paid in monthly installments from the money received from the operation of the utilities under the control of the board in such proportions as the board may from time to time fix and determine. The members of the board shall be reimbursed from funds of the utilities under the control of the board for travel and other expenses incurred by members of the board in the performance of their duties.

"Section 8. Meetings of the Board.

"(a) The board shall hold a regular meeting each month on a meeting date fixed by the board from time to time and shall hold such other meetings at such times and places as the members of the

board may elect.

“(b) The chairman of the board or any two members may call a meeting at any time he or they may consider that the business demands that a meeting be held.

“(c) Any two members of the board shall constitute a quorum.

“(d) A true record of the proceedings of all meetings of the board shall be kept by the secretary.

“(e) At the call of any member the vote on any pending question shall be taken by ayes and noes, and the same shall be entered on the record.

“(f) The record of the proceedings of said board shall be open to the Mayor and any member of the governing body of the City and to the public at all times.

“(g) A copy from said records, certified by the Secretary, shall be competent evidence in all courts.

“Section 9. Authority and Duties of the Board.

“(a) The board shall have complete control of each of the public utilities owned by the City of Decatur, including, without limitation, the electric, gas, water, and wastewater services and facilities of the City of Decatur, and shall manage and operate each such municipally owned utility. It shall have the authority to organize the utilities under its control in such manner as it shall deem advisable, including, without limitation, authority to consolidate all financial operations of the utilities under its control so long as the books of the operations are kept in such manner as to allocate to the respective utilities the income and expenditures applicable to them; authority to consolidate all operations under one general manager; authority to consolidate the operations of any of the utilities under its control under one operation manager or under a separate manager or managers; and authority to create any departments within the organization which it shall deem to be in the best interest of the utilities, such as an administration department, a personnel department and other departments which appear to the board to be desirable.

“(b) The board shall have authority to employ, upon terms to be fixed by the board, and to discharge, a general manager and such other managers and employees which may be needed in the operations under the control of the board.

“(c) The board shall have authority to delegate to any general or departmental manager it may employ, the authority to employ and discharge other employees which may be needed; to direct their work and to manage, control and operate the public utility or utili-

ties of the City of Decatur of which he is the manager, and to account to the board for his acts in so doing, but his authority shall be restricted as the authority of the board is restricted in this Act.

“(d) The board may adopt such fiscal year or years for the operations under its control as it may from time to time determine.

“(e) The board shall have the power and authority and it shall be its duty to charge for and collect all accounts due for any service which any of the utilities under its control may furnish to its customers, upon rates to be provided and approved by the governing body of the City of Decatur. Subject to the limitation contained in Section 15 of this Act, the board shall have the authority to enter into, on behalf of the City of Decatur, all contracts and agreements which are necessary or desirable in the performance of its duties under this Act. Such contracts may be executed, on behalf of the City of Decatur, by such officer or employee of the board as may be designated by the board. Contracts for purchase of utility services at wholesale may not be executed by or on behalf of the board without the consent and approval of the governing body of the City. Contracts for sale of utility services which may bind the City for more than ten years may not be executed by or on behalf of the board without the consent and approval of the governing body of the City. The board shall have the right to collect and receive all income from the operation of the utilities under its control and to expend the same in the operation of the same. Suits for the collection of accounts due for service which any utility may furnish to its customers or for enforcement of agreements made on behalf of the City by the board or for the enforcement of other rights of such utilities shall be conducted by the board, at the expense of the respective utilities, in the name of the City of Decatur.

“(f) The board shall comply with all provisions of contracts made by the City of Decatur for the purchase of electricity, gas, or other utility services at wholesale and with the provisions of all bond ordinances adopted by the governing body of the City of Decatur pertaining to the municipally owned utilities of the City and shall distribute and account for funds received from the sale of utility services as required by any such contracts or bond ordinances.

“(g) Each member of the board and each general manager appointed by the board, and each departmental manager appointed by the general manager, now or hereafter serving as such, shall be indemnified by the board against any and all claims and liabilities to which he has or shall become subject by reason of serving or having served as such or by reason of any action alleged to have been taken, omitted, or neglected by him as such board member or manager; and the board shall reimburse each such person for all legal expenses

reasonably incurred by him in connection with any such claim or liability, provided, however, that no such person shall be indemnified against, or be reimbursed for, any expense incurred in connection with any claim or liability arising out of his own willful misconduct or gross negligence. The amount paid to any board member or manager by way of indemnification shall not exceed his actual, reasonable, and necessary expenses incurred in connection with the matter involved. The right of indemnification herein provided for shall not be exclusive of any rights to which any board member or manager of the Municipal Utilities Board of Decatur may otherwise be entitled by law. The board is authorized to purchase suitable insurance coverage for such indemnity.

“(h) The board shall operate all municipally owned utilities economically and shall account for and pay over any net revenues realized from such operations to the City of Decatur at such time or times and in such manner as may be determined by the governing body of the City of Decatur.

“Section 10. Bonding of Employees. The board shall obtain and carry individual bonds or a blanket bond on all employees under the control of the board, in such amount and with such insurance company or insurance companies as may from time to time be determined by the board, insuring the City of Decatur and undertaking to indemnify the City of Decatur for any loss sustained by the City of Decatur or any of the utilities under the control of the board through any fraudulent or dishonest act or acts committed by any of the employees under the control of the board, acting alone or in collusion with others.

“Section 13. Reports of Board to Governing Body. Within ninety days after the end of each fiscal year of the board, the board shall furnish to the governing body of the City of Decatur a copy of the audit of its books and accounts made in accordance with the requirements of Section 12 of this Act and will make such other reports to the governing body of the City as the governing body may request from time to time.

“Section 14. Publication of Receipts and Disbursements. Within sixty days after the end of each fiscal year of the board, the board shall make a publication in a newspaper published in the City of Decatur, Alabama, of a report showing the receipts and expenditures of money of the board, specifying generally the source from which received and the purpose for which expended. Such publication shall also show the entire indebtedness of each public utility controlled by the board, of whatever kind and character, specifying particularly the amount of bonds outstanding, their character and when due.

“Section 15. Expenditures for Construction or Additions. No ex-

penditures for property to be acquired and for any new construction, additions, or replacement to any public utility, or the equipment used by the same, shall be made by the board where the total expense will be more than \$100,000.00 without the consent and approval of the City Council of the City of Decatur, Alabama."

Section 2. Sections 17 and 19 of Act No. 89, H. 234, Regular Session 1939 (Local Acts 1939, p. 47), as such Act has from time to time been heretofore amended, are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 28, 1983

Time: 5:00 P.M.

Act No. 83-821

H. 27—Reps. Venable, Mikell

AN ACT

To amend Title 12-13-41, describing the duties of the Probate Judges generally, Code of Alabama 1975 so as to allow the Probate Judge of Elmore County, Alabama to have one general index book relative to transactions in the Probate Office of Elmore County.

Be It Enacted by the Legislature of Alabama:

Section 1. The Probate Judge of Elmore County in conformity to the duties set out in 12-13-41 of the 1975 Code of Alabama shall maintain a general register for all transactions now recorded by the Probate Office and having a general direct and general reverse index for every instrument filed. Specifically included in the general register are those instruments described in Section 12-13-41(11) (Deeds and mortgages, etc.); Section 12-13-41(13) (Adverse possession); Section 35-4-52 (Bankruptcy Petitions); Section 35-4-53 (Bonds for Title); Section 35-4-69 and 71 (Affidavits relative to chain of title of land); Section 35-4-76 (options to buy land); Section 35-4-90 (Agreements to convey land); Section 35-4-91 (Wills which convey real property); Section 35-4-130 (Lis Pendens and hospital liens); Sections 36-5-3, 4, 5, and 6 (Official bonds, notary bonds and oaths of office); Section 10-2A-93 (Corporations); Section 10-4-26 (Church minutes which grant trustees the authority to convey land); Section 6-9-210 (Liens of judgment); Section 40-1-2(d) (Tax liens); military discharges; medical records and any and all other miscellaneous documents may be so registered at the discretion of the probate judge.

Section 2. These instruments excluded from this section,

mainly Section 12-13-41(2, 3) (Minutes of official acts); Section 12-13-41(4) (Probate docket); Section 43-2-502 (Final Settlements); Sections 18-1-11 and 19 (Condemnation Orders); Section 40-10-15 (Tax Sales); Section 35-2-51(a) (Plats); Section 12-19-45 (Fees), shall be maintained as specified by the heretofore existing laws.

Section 3. Each instrument contained in the general index shall be numbered consecutively and filmed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law—retroactive beginning January 1, 1978.

Approved November 28, 1983

Time: 5:00 P.M.

Act No. 83-822

H. 10—Rep. Holley

AN ACT

To amend Section 29-1-19, Code of Alabama 1975, which provides for the use and custody of legislative offices in the Capitol, so as to provide further for the use and custody of the offices outside of the Capitol.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 29-1-19, Code of Alabama 1975, is hereby amended to read as follows:

“§ 29-1-19.

“The house of representatives shall have the use of all offices, rooms, corridors, lavatories and other usable space located on the second floor in the south wing of the Capitol. The senate shall have the use of all offices, rooms, corridors, lavatories and other usable space located on the second floor in the north wing of the Capitol. All of said space shall be for the use of the legislature, the committees, members, officers and employees thereof. The clerk of the house shall have and exercise custody, control and care of the space herein designated for the use of the house of representatives, and the secretary of the senate shall have and exercise custody, control and care of the space herein designated for the use of the senate.

“In addition, the secretary of the senate shall have and exercise full custody, control and care of the senate chamber and the rooms adjacent thereto on the south side thereof, and the clerk of the house shall have and exercise full custody, control and care of the hall of the house of representatives and the rooms adjacent thereto on the north side thereof, and rooms 213 and 214, and, while the legislature is in session, room 216, in the Capitol building. The sec-

retary of the senate and the clerk of the house shall jointly have custody, control and care of all rooms on the third floor of the Capitol for the use of the legislature.

"In addition, whenever it is deemed necessary for the legislature to convene at any place outside of the Capitol, the clerk of the house shall have the use of and exercise full custody, control and care of all offices, rooms, corridors, lavatories and other usable space on the floor of the building in which the house of representatives meets or occupies; and the secretary of the senate shall have the use of and exercise full custody, control and care of all offices, rooms, corridors, lavatories and other usable space on the floor of the building in which the senate meets or occupies."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 28, 1983

Time: 5:00 P.M.

Act No. 83-823

H. 21—Rep. Moore

AN ACT

To provide that with the continued operation of Birmingham School of Law, Jones Law Institute and Miles College offering a four-year program of 30 weeks each of similar courses, in residence study with attorneys and judges should be allowed upon graduation and certification to take the Bar Exam with all other graduates and to be licensed upon passage.

Whereas, Birmingham School of Law, Miles College Law School, and Jones Law Institute have maintained institutions offering to resident students a course of law studies for a period of four years of at least 30 weeks each and is a graduate of either Birmingham School of Law, Miles College School of Law and Jones Law Institute, and since said institutions have operated many years, up to 68 years, located in the present county within this state and remain in continuous operation as contracted and agreed to, and

Whereas, it is in the interest of the general welfare of the State of Alabama and all of its citizens that these institutions afford this opportunity to young men and women to work their way through school an opportunity denied by American Bar Association rules and hence now by the State of Alabama under Supreme Court Rule IV-C; now therefore,

Be It Enacted by the Legislature of Alabama:

Section 1. So long as the Birmingham School of Law, Miles College School of Law and Jones Law Institute maintain a four-year curriculum of law courses for resident law students each consisting of 30 weeks of classes or of one (1) year more than the fulltime program at the State University Law School, namely the University of

Alabama Law School, and with said curriculum covering basic law courses, covering all bar exam courses, and other elective courses sufficient for a four-year program, which courses are taught by licensed attorneys of the State or Judges of the State. Then, upon satisfactory completion of the courses, the graduates certified by the Deans of said institutions shall be deemed to have sufficient legal training to take the bar exam offered by the State of Alabama or any of its agents as prescribed by law.

If they have other qualifying criteria, they have full rights to sit for the bar exam as any other applicant from any other schools.

This approval is given for as long as the schools operate and without reservation of powers to act further unless this act is anyway abrogated.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not effect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 28, 1983

Time: 5:00 P.M.

Act No. 83-824

H. 23—Reps. Coleman, Rains

AN ACT

To reverse the numbers of House Districts 26 and 25 as designated in Section 1 of Act No. 83-154, H. 1, Second Special Session 1983, approved February 23, 1983.

Be It Enacted by the Legislature of Alabama.

Section 1. The House District designated as House District 26 in Section 1 of Act No. 83-154, H. 1, Second Special Session 1983, approved February 23, 1983, is hereby redesignated as House District 25 and the House District designated as House District 25 in such Act is hereby redesignated as House District 26.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 28, 1983

Time: 5:00 P.M.

Act No. 83-825

H. 28—Reps. Rains, Coleman

AN ACT

To amend Section 32-6-4, Code of Alabama 1975, relating to nondriver identification cards, so as to provide that said cards shall not bear an expiration date.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 32-6-4, Code of Alabama 1975, is hereby amended to read as follows:

“§ 32-6-4. (a) Upon the installation of a system for the issuance of drivers' licenses and nondriver identification cards with color photographs of licensees and nondrivers thereon, all such licenses and identification cards and renewals of licenses issued in this state shall be issued in the following manner:

“(1) Such person shall apply under oath to the judge of probate or license commissioner of the county of his residence for said driver's license or nondriver identification card or renewal of a license upon a form which shall be provided by the director of public safety.

“(2) The judge of probate or license commissioner shall take a color photograph of the licensee with equipment to be furnished by the department of public safety to be attached to each application.

“(b) For the purpose of defraying the cost of issuing driver's licenses for nondriver identification cards with color photographs of the licensee or nondriver thereon, the probate judge or license commissioner shall collect for each license or identification card the sum of \$15.00 for a four-year license or an identification card, and the judge of probate or license commissioner shall give the licensee a driver's license or identification card. The nondriver identification card shall bear no expiration date.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 28, 1983

Time: 5:00 P.M.

Act No. 83-826

H.J.R. 2—Rep. Johnson (Roy)

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That the following be adopted as the Joint Rules of the Alabama Legislature.

JOINT RULES OF THE TWO HOUSES OF THE LEGISLATURE OF ALABAMA 1983.

1. Messages from one house to the other shall take precedence over all other questions.

2. When House or Senate bills are signed by the presiding officer of the House or Senate, the Clerk or Secretary, as the case may be, shall notify the other house and request the signature of the presiding officer to the same, and as soon as the message is read, the presiding officer shall immediately sign the bills in the presence of the House or Senate, as prescribed by the Constitution.

3. No local or special bill shall be introduced into either house unless the member who introduces it discloses at the time the fact that the notice required by the Constitution and laws has been given, and submits one copy of the notice and proof thereof attached to the bill.

4. No bill amending a section or part of the Code by reference to the section or other subdivision of the Code shall be introduced into either house unless the title thereof contains a brief statement of the general subject, independent of references to the Code section, to which such section or subsection relates.

5. The Secretary or the Clerk, as the case may be, shall, when a bill is duly enrolled and signed by the presiding officers of both houses, deliver the bill to the Governor noting thereon the day and hour and minute of delivery, and he shall make a written report to the house where the bill originated showing the number of the bill and time of delivery, which shall be spread upon the Journal.

6. All official printed legislative documents placed in the custody of the Clerk of the House and the Secretary of the Senate shall be assigned a number by the Secretary or the Clerk and the number, year and the session shall clearly appear on the title page of the document.

7. The printer shall print fifty copies of each legislative document for the use of the Department of Archives and History, unless otherwise ordered by the Director.

8. The privileges of the floor of both houses are accorded the

Directors and employees of the Department of Archives and History and the Legislative Reference Service and the Legislative Fiscal Officer and employees of the Legislative Fiscal Office in aid of the reference work required by law to be done for members of the Legislature.

9. The presiding officer of the Senate shall preside when the two Houses meet in joint sessions.

10. During the period between the end of a regular session and the convening of the next regular session, except for the period between the end of the last regular session in the quadrennium and the general election, members may deliver bills to the Clerk or Secretary. This shall be known as "pre-filing." Such bills shall be numbered by the Clerk or Secretary in the order of receipt and otherwise processed for introduction when the regular session has been convened. Pre-filed bills shall be assigned by the presiding officer to a standing committee for study and shall be formally referred to the same committee upon commencement of the regular session.

11. Resolutions of sympathy, commendation or congratulations shall be by House resolution or by Senate resolution and shall be filed with the Secretary of the Senate or the Clerk of the House who shall cause the respective journals to reflect that such resolution was filed by inserting the title thereof in their respective journals; the Secretary or the Clerk, respectively, shall prepare appropriate copies for distribution; provided, however, by suspension of the rules such resolutions shall be made a part of the journals.

12. (a) No bill amending an existing statute shall be accepted for introduction in the Legislature unless:

(1) the language to be deleted is stricken through (example: and (2) the language to be inserted is underscored (example: underscored).

(b) All amendments to bills shall refer to the line or lines to be amended by number and shall strike out the language to be deleted and underline the new language.

(c) No bill shall be accepted by the Secretary or Clerk for introduction unless it is a legible copy and is typed on 8 ½" by 14" paper with numbered, double-spaced lines.

(d) The provisions of this rule shall not apply to local bills.

13. All bills, except local bills, introduced in the House and Senate shall have printed at the top of the bill a brief synopsis of the contents.

14. All members of the House and Senate, the press corps, employees of the two houses and any guests or visitors in the balconies

of each house are prohibited from carrying a firearm or any other thing that might be construed to be a lethal weapon while in the House or Senate Chambers or any place on the second or third floor of the Capitol. This rule will not apply to employees of the two houses who are security officers.

RULES RELATING TO COMMITTEES.

15. A Committee on Conference to reconcile the difference on pending legislation between the two houses of the Alabama Legislature shall consist of six members, three of whom shall be members of the House, appointed by the Speaker thereof, and three from the Senate, to be appointed by the President of the Senate. The Committee on Conference shall not report unless there be an affirmative vote of at least four members which must consist of at least two votes by the conferees from each house. The report of the Committee on Conference shall be attached to the pending legislation and returned to the house of origin for such action as that house may deem appropriate.

The house of origin may take one of the following courses of action:

a. They may concur in the Committee on Conference report and, in the event of this action, the bill and the Conference Committee report shall be sent to the other house for action.

b. The house of origin may reject the Conference Committee report, in which case the pending legislation is automatically void.

c. The house of origin may reject the report of the Committee on Conference and request that a new committee be appointed by the respective presiding officers.

In the event the house of origin adopts the Committee on Conference report, the pending legislation, together with the report of the Committee on Conference, shall be submitted to the other house for action in the same manner as in the house of origin.

In the event the minority wishes to submit a report, the house of origin shall first consider the majority report, after which it may then consider accepting the minority report.

In the event of a majority report rejection, the minority report may be considered and, if concurred in by the house of origin, the same shall be presented to the other house for action by that house.

The Committee of Conferees shall report substantially as follows:

We, the Committee of Conferees appointed to reconcile the difference between the two Houses concerning House Bill/Senate Bill

_____ have met, considered the matter, and agreed to the following:

(Example: Substitute for H.B./S.B._____ is attached).

(Example: Amend H.B./S.B._____ as follows:)

Name

Name

Name

CONFEREES OF THE HOUSE

Name

Name

Name

CONFEREES OF THE SENATE

RULES RELATING TO LOBBYING

16. Those Required to Register. All persons, except members of the Alabama Legislature, who seek to encourage the passage, defeat or modification of any legislation in either House of the Legislature or before its committees shall, before engaging in such activities, register with the Secretary of the Senate and the Clerk of the House, respectively. Every registrant, in accordance herewith, shall also be required to state the extent of any direct business association or partnership with any current member of the Legislature. This rule includes all persons representing any segment of municipal, county, state or federal government, or municipal, county, state, or federal government employees, and employees of newspapers, magazines, or journals, that are compensated by any person, firm, corporations, or associations other than the news media by which they are employed.

17. Method of Registration. Each calendar year every such person shall register on forms prepared by the Secretary and Clerk, respectively, and shall state his name and business address, the name and business address of his principal or principals, the general and specific areas of his legislative interests, and the duration of his agency.

No registered lobbyist shall be permitted upon the floor of either house while it is in session, except as otherwise provided.

18. Registration Exception. Any person who, on an isolated ba-

sis and without intent to continue beyond a single day during a session of the Alabama Legislature, merely appears before a committee or committees in his individual capacity, or on behalf of a corporation, partnership or other business entity, with which such person is regularly associated as an employee, officer or partner without receiving additional salary or compensation, other than reasonable and ordinary travel expense, to express support of or opposition to any legislation, and who shall so declare to the members of any committee, or to the committee as a whole, with whom he discusses any proposed legislation, shall not be required to register as a lobbyist.

19. **Obligations of Lobbyist.** A lobbyist shall supply facts, information, and opinions of principals to legislators from the point of view from which he openly declares. A lobbyist shall not offer or propose anything to improperly influence the official act, decision, or vote of a legislator.

A lobbyist, by personal example and admonition to colleagues, shall uphold the honor of the legislative process by the integrity of his relationship with legislators.

A lobbyist shall not knowingly and willfully falsify a material fact or make any false, fictitious, or fraudulent statement or representation or make or use any writing or document knowing the same contains any false, fictitious, or fraudulent statements or entry.

20. **Rules Committee Advisory Opinions.** A lobbyist, when in doubt about the applicability and interpretation of this rule in a particular context, may submit in writing a statement of the facts involved to the Joint Committee on Rules and may appear in person before said committee.

21. **Penalties for Violations.** Separately from any prosecutions or penalties otherwise provided by law, any person determined to have violated the requirements of these rules shall be censured, reprimanded, placed on probation or prohibited from lobbying for the duration of the session and from appearing before any committee of the Legislature. Said determination shall be made by a majority of the respective House upon recommendation of the Joint Committee on Rules. The Joint Committee on Rules, before making said recommendation, shall conduct a hearing, after notifying the person alleged to have violated this rule and granting such person an opportunity to appear at the hearing.

22. **Secretary to Provide Forms.** The Secretary of the Senate or the Clerk of the House shall provide blank affidavits for the convenience of registrants but the burden of compliance nevertheless always shall be upon the person required to register.

23. **Committees to be Diligent.** Committees shall be diligent to

ascertain whether those who appear before them in other than an obviously individual capacity have conformed with the requirements of this rule, and to report violations. No committeeman knowingly shall permit an unregistered lobbyist to be heard.

Approved November 28, 1983

Time: 5:00 P.M.

Act No. 83-827

H. 1—Reps. Flowers, Moore, Carothers,
Johnson (R.G.), Mitchell

AN ACT

To amend Section 34-24-70, Code of Alabama, 1975, as amended by Act No. 81-1139, and §34-24-77, Code of Alabama, 1975, so as to permit the State Board of Medical Examiners to accept equivalent examinations for certain categories of applicants for certificates of qualification, and so as to permit the Board to set the fees paid by applicants for certificate of qualification by examination and by reciprocity.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 34-24-70, Code of Alabama, 1975, is hereby amended to read as follows:

(a) Any applicant for a certificate of qualification by examination or by reciprocity to practice medicine or osteopathy in the state of Alabama who has graduated from a college of medicine or osteopathy in the United States or District of Columbia which has been approved by the Board of Medical Examiners shall submit to the Board of Medical Examiners:

(1) A diploma or other satisfactory evidence showing graduation from such college of medicine or osteopathy; and

(2) Evidence satisfactory to the Board that the applicant has completed at least one year of internship at a hospital approved by the Board of Medical Examiners.

(b) Any applicant for a certificate of qualification by examination or by reciprocity to practice medicine or osteopathy in the State of Alabama who has not graduated from a college of medicine or college of osteopathy located in the United States or District of Columbia shall submit to the Board of Medical Examiners:

(1) A diploma or other satisfactory evidence showing graduation from a college of medicine or osteopathy;

(2) Evidence satisfactory to the Board that the applicant has received a passing grade on the written examination given by the educational council for foreign medical graduates, except that if an

applicant has graduated from a college of medicine or college of osteopathy which is accredited by the Liaison Committee for Medical Education of the American Medical Association or which is listed in the World Directory of Medical Schools published by the World Health Organization, but which is not located in the United States or the District of Columbia and such applicant is not eligible to be examined by the Educational Council for Foreign Medical Graduates under its then current eligibility requirements, then, in those circumstances only, the Board shall accept such equivalent examination as it may, within its discretion, approve.

(3) Evidence satisfactory to the Board that the applicant has completed at least one year of internship at a hospital approved by the Board of Medical Examiners.

(c) Any applicant for a certificate of qualification to practice medicine or osteopathy in the State of Alabama who has complied with the requirements set forth in the preceding subsections shall be permitted to take the examination given by the National Board of Medical Examiners, the Federation Licensing Examination or any other examination which is or shall be approved by the Board of Medical Examiners and which examines in the following branches of medical learning; general medicine, surgery, obstetrics, gynecology, preventive medicine and jurisprudence and such other branches as the Board may require.

(d) Any applicant for a certificate of qualification by examination or by reciprocity to practice medicine or osteopathy in the State of Alabama who has not graduated from a college of medicine or college of osteopathy located in the United States or District of Columbia and any applicant who has graduated from a college of medicine or college of osteopathy in the United States or District of Columbia, but has not passed a written state licensing examination, the examination given by the National Board of Medical Examiners, or the Federation Licensing Examination within ten (10) years immediately preceding the date of the application shall be required to successfully complete an oral examination given by the Board of Medical Examiners or its designated agent. An oral examination shall not be required of any applicant who has been certified by or who has passed a recertification examination given by one of the specialty boards approved by the American Medical Association within ten (10) years immediately preceding the date of the application.

(e) Any applicant who successfully completes such examinations with a passing score acceptable to the Board of Medical Examiners shall be issued a certificate of qualification to practice medicine or osteopathy in the State of Alabama.

Section 2.

Section 34-24-77, Code of Alabama, 1975 is hereby amended to read as follows:

The fee for an examination or for reciprocity shall be fixed by the board, which amount must be paid in advance of the examination or prior to the granting of reciprocity, and to such person as the board may authorize to receipt therefor. A fee shall not be returnable to an unsuccessful applicant for examination, but such applicant shall be entitled to a second examination without paying an additional fee, provided such second examination is obtained within one year after the date of the first examination. The fee paid by an unsuccessful applicant for reciprocity shall be returned to such unsuccessful applicant.

Section 3.

Repeal — All laws or parts of laws which conflict with this act or any of its provisions are, to the extent of such conflict, hereby repealed.

Section 4.

Severability — The provisions of this act are severable. If any portion of this act be held unconstitutional or invalid, it shall not affect any portion of this act not in itself unconstitutional or invalid.

Section 5.

Effective date — This act shall take effect immediately upon its passage and signature by the Governor.

Approved November 28, 1983

Time: 5:00 P.M.

Act No. 83-828

H. 2—Rep. White (F.)

AN ACT

To amend Section 11-43-50, Code of Alabama 1975, so as to require that there shall be at least one regular meeting of the council, each month, in the towns of this state and to provide a procedure for additional regular meetings of the council, each month, at the option of the council of the town; to establish an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11-43-50, Code of Alabama 1975, is amended to read as follows:

“§ 11-43-50. Same - Holding of regular meetings; calling of special meetings.

"There shall be at least two regular meetings of the council in each month, except that in towns, as defined in Section 11-40-6, Code of Alabama 1975, there shall be at least one regular meeting of the council in each month; but provided, however, the council of any town may, by ordinance, mandate at least two regular meetings of the council in each month, and the presiding officer shall call special meetings whenever in his opinion the public interest may require it and whenever two aldermen or the mayor request him in writing to call such meeting. Upon the failure or refusal of the presiding officer to call such meeting when requested, the two aldermen or the mayor making the request shall have the right to call such meeting."

Section 2. This act shall become effective upon passage and approval by the Governor.

Approved November 28, 1983

Time: 5:00 P.M.

Act No. 83-829

H. 7—Reps. Sasser, Turnham

AN ACT

Relating to the eradication and control of swine diseases; to make a conditional appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1984, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year ending September 30, 1984, there is hereby appropriated to the Department of Agriculture and Industries out of any monies in the state treasury not otherwise appropriated the sum of Two Hundred Thousand Dollars (\$200,000), or so much thereof as may be necessary for the fiscal year, which said sum shall be used and expended by said department for the purpose of paying and indemnifying the owners of swine for the value of any swine ordered and directed to be condemned and destroyed by the Commissioner of Agriculture and Industries or the State Veterinarian for the purpose of arresting, eradicating and preventing the spread of hog cholera disease, African swine fever and other diseases of swine. The amount of any payments to owners of swine from the appropriation herein made shall be determined pursuant to the procedure and method set forth under Sections 2-15-160 through 2-15-168 of the Code of Alabama 1975.

Section 2. The appropriation herein made shall be conditioned upon the condition of the general fund and with the approval

of the Governor.

Section 3. This act shall become effective on October 1, 1983.

Approved November 28, 1983

Time: 5:00 P.M.

Act No. 83-830

H.J.R. 19—Reps. Holley, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Zoghby

HOUSE JOINT RESOLUTION

DESIGNATING A PORTION OF ALABAMA HIGHWAY 87

AS THE "SHERIFF NEIL GRANTHAM DRIVE."

WHEREAS, the late C. F. "Neil" Grantham served the citizens of Coffee County as deputy sheriff and as sheriff for a period of seven years and two months; and

WHEREAS, on March 1, 1979, the untimely death of Sheriff Grantham was a source of deep sorrow and regret to the citizens of Coffee County and, indeed, to all Alabamians; and

WHEREAS, it is the desire of the Mayor and City Council of Elba, Alabama, that the life of Sheriff Neil Grantham be commemorated and that fitting tribute be paid to a beloved citizen and public servant of Coffee County, and one who was held in highest esteem throughout the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate that portion of Alabama Highway 87, beginning at By-Pass Street in Elba, Alabama, North to the Pea Creek Bridge, as the "Sheriff Neil Grantham Drive."

BE IT FURTHER RESOLVED, That the proper authorities are directed to erect and maintain appropriate signs and markers so designating said portion of Alabama Highway 87.

RESOLVED FURTHER, That a copy of this resolution be forwarded to the Mayor and City Council of Elba, Alabama.

Approved November 28, 1983

Time: 5:00 P.M.

Act No. 83-831

H.J.R. 29—Reps. Rains, Coleman, Bugg

HOUSE JOINT RESOLUTION

COMMENDING MR. AND MRS. EVERETTE SIMS ON THEIR 73RD WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the recent 73rd Wedding Anniversary, September 4, 1983, of Mr. and Mrs. Everette Sims of Albertville, Alabama; and

WHEREAS, in the sight of God, Everette Sims and Jessie Leo Owens were joined in wedlock on September 4, 1910, and these two fine people, forsaking all others, have remained in said Holy state for 73 years; and

WHEREAS, adhering to Biblical admonition, they have lived their lives as one, devoted each to the other, and have been stead-

fastly faithful to their marriage vows, setting an example to be emulated by young couples who also pledge themselves to one another until parted by death; and

WHEREAS, Mr. and Mrs. Sims, who are 92 and 90 years young respectively and who resided on their own farm near Douglas throughout most of their marriage, were the parents of eight children, three of whom are deceased; they also have a number of grandchildren and great-grandchildren including two sets of twins; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary couple of Albertville, Alabama, and wish them many more happy years together in their union blessed by God, and a marriage of Christian dedication and morality.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. and Mrs. Sims that they may know of our congratulations and warm best wishes.

Approved November 28, 1983

Time: 5:00 P.M.

Act No. 83-832

H.J.R. 30—Reps. Rains, Coleman, Bugg

HOUSE JOINT RESOLUTION

COMMENDING MR. AND MRS. JAMES H. BROCK ON THEIR 72ND WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the recent 72nd Wedding Anniversary, August 28, 1983, of Mr. and Mrs. James H. Brock of Albertville, Alabama; and

WHEREAS, in the sight of God, James H. and Mary Brock were joined in wedlock on August 28, 1911, and these two fine people, forsaking all others, have remained in said Holy state for 72 years; and

WHEREAS, adhering to Biblical admonition, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their marriage vows, setting an example to be emulated by young couples who also pledge themselves to one another until parted by death; and

WHEREAS, Mr. and Mrs. Brock, who are originally from Boaz, Alabama, are 101 and 89 years young, respectively; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary couple of Albertville, Alabama, and wish them many more happy years together in their union blessed by God, and a marriage of Christian dedication and morality.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. and Mrs. Brock that they may know of our congratulations and warm best wishes.

Approved November 28, 1983

Time: 5:00 P.M.

Act No. 83-833

H.J.R. 33—Reps. Coleman, Rains

HOUSE JOINT RESOLUTION

COMMENDING MR. AND MRS. CHARLIE HALLMAN OF GUNTERSVILLE, ALABAMA, FOR OUTSTANDING CONTRIBUTION TO JACKSONVILLE STATE UNIVERSITY.

WHEREAS, the Alabama Legislature notes with utmost commendation the recent endowment of a \$10,000 scholarship fund to Jacksonville State University by Mr. and Mrs. Charlie Hallman of Guntersville, Alabama; and

WHEREAS, Edith and Charlie Hallman, both of whom are alumni of Jacksonville State University, selected their alma mater as the recipient of their generosity in gratitude for the assistance they themselves received as young JSU students working their way through college; and

WHEREAS, interest from the scholarship fund will be awarded annually, beginning in 1984, to a graduating senior at Guntersville High School where Mrs. Hallman taught for some 30 years prior to her recent retirement; and

WHEREAS, Mr. Hallman, a former longtime employee of Redstone Arsenal, is now a prominent Guntersville realtor and has been joined in his business by Mrs. Hallman who earned a broker's license following retirement as an educator; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly praise and commend Mr. and Mrs. Charlie Hallman of Guntersville, Alabama, for their outstanding contribution to Jacksonville State University.

BE IT FURTHER RESOLVED, That Mr. and Mrs. Hallman receive a copy of this resolution, tendered in deep admiration and highest regard of their generosity to JSU.

Approved November 28, 1983

Time: 5:00 P.M.

Act No. 83-834

H.J.R. 34—Reps. Nicholson, Brakefield

HOUSE JOINT RESOLUTION

COMMENDING SMITH LAKE CIVIC ASSOCIATION.

WHEREAS, the Legislature of Alabama has noted with pleased accord the completion of the Smith Lake Civic Center in Walker County; and

WHEREAS, the Smith Lake Civic Center is the result of the hard work and determination of the members of the Smith Lake Civic Association and was funded by private funds raised by the members of the Smith Lake Civic Association and without governmental funds; and

WHEREAS, the Smith Lake Civic Center is an asset to the entire Smith Lake Community and will be enjoyed by all; and

WHEREAS, the Smith Lake Civic Association has always promoted conservation and the protection of Smith Lake which is one of Alabama's most precious assets; and

WHEREAS, the conservation efforts and accomplishment of the members of the Smith Lake Civic Association serves as a shining example for all citizens of Alabama to follow; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we most highly commend and praise the members of the Smith Lake Civic Association for their accomplishments and further direct that a copy of this resolution be sent to the Smith Lake Civic Association as evidence of our admiration and esteem.

Approved November 28, 1983

Time: 5:00 P.M.

Act No. 83-835

H. 11—Reps. Holley, Faulk

AN ACT

To amend Section 40-12-176, Code of Alabama 1975, which levies a tax on vending machines, so as to exclude coin-operated laundry machines from the imposition of the tax.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-12-176, Code of Alabama 1975, is hereby amended to read as follows:

“§ 40-12-176.

“(a) Every person, firm, corporation, association or copartnership operating a vending machine business whereby tangible personal property is sold through or by the use of coin-operated machines shall pay an annual privilege license tax based on the total sales of each such vending company during the preceding year as follows:

“Total Sales	Amount of Tax
\$12,000.00 or less	\$ 10.00
12,000.01-24,000.00	20.00
24,000.01-36,000.00	30.00
36,000.01-48,000.00	40.00
48,000.01-60,000.00	60.00
60,000.01-80,000.00	75.00
80,000.01-100,000.00	90.00
100,000.01-150,000.00	125.00
150,000.01-200,000.00	150.00
200,000.01-250,000.00	175.00
250,000.01-350,000.00	200.00
350,000.01-450,000.00	300.00
450,000.01-750,000.00	400.00
750,000.01-1,000,000.00	500.00
1,000,000.01-2,500,000.00	600.00
2,500,000.01-5,000,000.00	700.00
5,000,000.01-7,500,000.00	800.00
7,500,000.01-10,000,000.00	900.00
10,000,000.01 or more	1000.00

“(b) The revenues produced by the license taxes levied in this section shall be divided equally between the state and the several counties in which it is collected. No separate county license shall be required. The several probate judges and license commissioners shall report and remit monthly to the state treasurer all moneys collected for the use of the state, and to the counties all moneys collected for the counties. The payment of such occupational license tax as herein provided for in one county in the state shall be sufficient, and the vending machine company shall conspicuously post, on each machine operated by him under such license, his name and address.

“(c) Hotels, motels, tourist camps or other places of business having less than five coin-operated radios shall pay \$8.00 for each location, establishment or place of business receiving transmitted music by wire or cable; except, that such locations, establishments or places of business having less than five transmitters or speakers \$8.00, for each such transmitter or speaker in excess of four, \$2.00 each; provided, that where the music transmitted by wire or cable from any central point or studio, whether such point or studio is situated within or without such location, establishment or place of business, is not coin-operated or where no deposit of a coin or other thing of value into any machine is necessary in order that music may be heard, then each person, firm or corporation engaged in the business of transmitting music by wire or cable may pay in lieu of the speaker or transmitter tax specified above a privilege tax as follows: in counties of 60,000 inhabitants or less, \$30.00; in counties of 60,001 and not exceeding 125,000 inhabitants, \$60.00; in counties of 125,001 inhabitants and over, \$80.00; provided, that one license may be issued to include all coin-operated radios and/or transmitters or speakers located within such hotel, motel, tourist camp location, establishment or other place of business, which license shall be prominently displayed. The licenses herein provided for shall be levied upon the operator of the machine, the coin-operated radio or the central point or studio from which point or studio the music is transmitted; provided, that in the event any unlicensed machine, coin-operated radio, transmitter or speaker is found in any establishment or place of business, the operator of such establishment or place of business shall be the operator of such machine, coin-operated radio, transmitter or speaker and shall be liable for the license therefor.

“(d) Nothing in this section shall apply to machines installed by any person, firm or corporation, nor to coin-operated gas meters, nor to coin-operated telephones, nor to a machine vending postage stamps in its place of business or vending necessary articles on a nonprofit basis for emergency use only by the employees of such person, firm or corporation.

“(e) No license shall be required under this section where a privilege or dealer's license is required by this chapter for the sale of such article, and such privilege license shall have been obtained by the person, firm or corporation operating the place of business where such machine is located, or the owner of such vending machine shall have secured such privilege license as required herein.

“(f) Any person operating or permitting the operation of a vending machine dispensing packages or in quantities less than a package of cigarettes, or any article on which there is an excise tax, the payment of which is evidenced by stamps, without first having

paid the tax thereon by affixing the required stamps to the original package as required under section 40-25-2 shall be guilty of a misdemeanor and punished as provided in such section for failure to pay said tax. Each vending machine vending tobacco products of any kind whatsoever shall have securely affixed thereto in full view the name and address of the legal owner of said machine. When tobacco products are found in such vending machines to be improperly stamped or unstamped, in violation of section 40-25-2, such vending machine and contents shall be confiscated by any duly authorized agent of the department of revenue as provided in section 40-25-2 for the confiscation of improperly stamped or unstamped tobacco products. Each vending machine vending tobacco products of any kind whatsoever shall have a transparent front window, or windows, through which the Alabama revenue stamps required by section 40-25-2 may be seen without the necessity of opening or unlocking the vending machine.

“(g) For the purpose of any excise or consumption taxes, the payment of which is not evidenced by stamps, levied on any of the articles dispensed through such machine, the person in whose place of business each machine is located shall be considered the consumer of such article and shall be liable for such taxes measured by the regular retail price thereof.

“(h) No license shall be required under this section for home type merchandise vending machines placed in private homes for home use only and not for public use.

“(i) Nothing herein contained shall be construed as legalizing or licensing any machine or device which is now illegal or which may hereafter be declared illegal.

“(j) All the licenses levied by this section shall bear the business address of the owner or operator thereof.

“(k) It is the legislative intent that only the license required under this section shall be required for the operation of a vending machine company under this section within this state for any one license year.

“(l) The license shall be purchased in the county in which the home office or principal place of business of the company is located or in operation on October 1, or at the time the license is purchased for the licensing year.

“(m) Any person failing to perform any of the duties required of him by the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than \$10.00 and not exceeding \$100.00 for each offense.

“(n) In the event that a new business is formed which has not heretofore been in the vending machine business, it shall pay only the minimum license until such time as a new license is required.

“(o) Each applicant for any license required herein shall by sworn statement supply the gross sales as required herein, and its books and records shall be available to any taxing authority within this state for inspection to insure compliance with this section.

“(p) On all other vending machines whereby tangible personal property is not sold but services or amusements are vended, with the exception that coin-operated pool tables and coin-operated or self-service laundries are specifically excluded herefrom and licensed under other sections, operators shall pay a license as follows: on all machines whereby one cent is used, a fee of \$1.00; on all machines where over one cent is used, a fee of \$8.00. The license is to be paid, collected and distributed as heretofore provided in this section.”

It is further provided that any fees, penalties, fines or other collections made by the revenue department upon owners of coin-operated or self-service laundries prior to the date of this amendatory act shall be returned in full to such owners.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Approved November 28, 1983

Time: 5:00 P.M.

Act No. 83-836

H. 16—Rep. Coburn

AN ACT

To make supplemental appropriations from the State General Fund to the Department of Corrections; the Department of Mental Health; for capital outlay to the Department of Finance and Department of Corrections and conditionally for capital outlay to the Department of Corrections; for payment of election expenses and for payment of expenses of the Legislature for the fiscal year ending September 30, 1984.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated from the State General Fund for the fiscal year ending September 30, 1984, the following:

- | | |
|--|-------------|
| (a) Department of Corrections—Institutional Services Program | \$4,000,000 |
| (b) Department of Mental Health—Institutional Treatment and Care—Criminally Insane Program | \$1,000,000 |
| (c) For capital outlay to: | |
| 1) Department of Finance for Capitol Renovation | \$3,300,000 |
| 2) Department of Corrections for construction of prison | \$5,000,000 |

Section 2. In addition to all other appropriations heretofore or hereafter made, there is hereby conditionally appropriated from the State General Fund for the fiscal year ending September 3, 1984, the following:

- | | |
|--|-------------|
| (a) Department of Corrections—Capital Outlay for construction of prisons
(To be conditioned on the availability of funds and the approval of the Governor.) | \$1,000,000 |
| (b) For the expenses of the special election in November, 1983, including advertising and printing costs; and expenses of the presidential primary in 1984. | \$2,000,000 |
| (c) For the expenses of the Legislature
(Appropriations in Section 2(b) and (c) hereof to be conditional upon the final judicial determination of the constitutionality of Act 79-434 and as approved by the Governor). | \$200,000 |

Section 3. All monies shall remain in the General Fund until obligations have been incurred, for which appropriations are herein made, as determined by the State Finance Director.

Section 4. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declarations shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby specifically repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved November 28, 1983

Time: 5:00 P.M.

Act No. 83-837

H. 18—Reps. Adams, Laird, Blakeney, Rains, Penry, White (L), Harvey, Box, Sasser, Carter, Payne, Richardson, Grimsley, McMillan, Crow, Browder, Butler, Grouby, Bowling, Turner, Nicholson, Mitchell, Poole, Martin, Starkey, Rice, Cosby, Venable, Hammett, Johnson (R.G.), Dutton, Lindsey, Junkins, McKee, Goodwin, Trammell, Bachus, White (G), Holley, Preuitt

AN ACT

To provide that certain convicted defendants in misdemeanor cases shall be required to pay certain court costs which shall be used to reimburse the county or city for housing, maintenance and medical costs associated with the defendant's incarceration in a county or city jail.

Be It Enacted by the Legislature of Alabama:

Section 1 (a)(1). A court shall require a convicted defendant in a misdemeanor case to pay housing, maintenance and medical costs associated with that defendant's incarceration in a county or city jail except as otherwise provided herein. Such costs shall not exceed twenty dollars (\$20.00) per day that the defendant has been incarcerated plus actual medical expenses incurred on behalf of the defendant. Such costs shall be taxed as costs of court and shall be in addition to any and all other costs of court.

(2) At the time of sentencing such defendant may petition the court for remission of the payment of these costs or of any portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or his immediate family, the court may remit all or part of the amount due in such costs.

(3) In determining the amount and method of payment of these costs, the court shall take into account the financial resources of the defendant and the nature of the burden that payment of the costs will impose. A defendant who has been ordered to pay the housing, maintenance and medical costs and who is not in contumacious default in the payment thereof may at any time petition the court which sentenced him for remission of the payment of these costs or of any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or his immediate family, the court may remit

all or part of the amount due in such costs or modify the method of payment.

(b)(1) When a defendant is ordered to pay housing, maintenance and medical costs, the court may grant permission for payment to be made in a specified period of time or in specified installments. If permission is not included in the order these costs shall be payable forthwith.

(2) When a defendant ordered to pay housing, maintenance and medical costs is also placed on probation or imposition or execution of sentence is suspended the court may make payment of the costs a condition of probation or suspension of sentence.

(c) A default in the payment of the housing, maintenance and medical costs or any installment thereof may be collected by any means authorized by law for the enforcement of a judgment.

(d) Moneys collected for the housing, maintenance and medical costs of a convicted defendant in a misdemeanor case shall be collected by the clerk of the sentencing court and shall be payable to the county or city in whose jail the defendant was incarcerated.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 28, 1983

Time: 5:00 P.M.

Act No. 83-838

H. 22—Rep. Campbell

AN ACT

To provide for the reintegration of inmates of the Alabama Prison System into society and to promote the payment of restitution to victims of crime.

Be It Enacted by the Legislature of Alabama:

Section 1. The short title of this act is **THE INMATE COMMUNITY REINTEGRATION UNDER SIR ACT.**

Section 2. As used in this act, the following words and phrases shall have the following meanings, respectively, unless the context clearly indicates otherwise:

(1) **DEPARTMENT**—The Department of Corrections

(2) **COMMISSIONER**—The Commissioner of the Department

of Corrections.

(3) **STATE CORRECTIONAL INSTITUTION**—Any correctional institution under the jurisdiction of the department.

(4) **INMATE**—A person who has served at least 90 days in a State penal facility, either male or female, who has been convicted of a felony and sentenced to a term of confinement and treatment in a state correctional institution under the jurisdiction of the department.

(5) **PROGRAM**—Supervised Intensive Restitution (SIR) Program.

Section 3. In order to provide for the individual supervision and placement of an inmate in the community to obtain employment and place of residence in order to aid in the reintegration of the inmate into society, the department is authorized to adopt rules, regulations and policies permitting the commissioner to extend the limits of confinement of an inmate where there is reasonable cause to believe the inmate will honor the trust placed in such inmate by authorizing such inmate, under prescribed conditions, to leave a state correctional institution and reside in the community under the intensive supervision of a correctional officer in the community.

Section 4. The department may adopt regulations as to the eligibility of those inmates who are classified as minimum security risks for the extension of confinement. However, no inmate who has ever been convicted of murder, kidnapping in the first degree, rape in the first degree, sodomy in the first degree, arson in the first degree, selling or trafficking in controlled substances, robbery in the first degree, burglary in the first degree, sexual abuse in the first degree or assault in the first degree if said assault leaves the victim permanently disfigured or disabled.

Section 5. Employees of the department are authorized to make investigations and recommendations concerning the suitability of certain inmates for the program and otherwise to assist the commissioner in the implementation of the program authorized by this act. Provided, however, before an inmate can come under the SIR program, the sentencing judge and district attorney shall be given ten (10) days written notice. Provided, however, before an inmate can come under the SIR program, the victim who has received physical injury or bodily harm as a result of the crime for which the inmate was incarcerated shall receive notice in the form of a letter from the District Attorney or prosecuting attorney at the last known address, one week prior to the inmate going on the SIR program. Provided, further, the District Attorney or prosecuting attorney involved in prosecution of said inmate shall receive written notice

from the Department of Corrections in the form of a certified letter two weeks prior to the inmate going on the SIR program.

If the victim has received physical injury or bodily harm as a result of the offense, the district attorney or his assistant may represent the victim in communicating his or her objections to the commissioner of the Department of Corrections.

Section 6. When an inmate is placed in the supervised intensive restitution program, and has been ordered by a court of this state to make restitution to his victim, it shall be made a condition of his participation in the program that he make restitution payments to the victim until the restitution is paid in full. Where restitution to the victim has not been ordered by a court of this state as part of an inmate's sentence, the Commissioner may require, as a condition of the inmate's participation in the program, that the inmate agree to an amount of restitution to be paid to the victim through the circuit clerk of the county where the crime was committed which amount shall be set by the Commissioner. Any funds not paid out or which are unclaimed after twelve months shall be transferred by the circuit clerk having custody thereof to the State General Fund. The supervising correctional officer will see that a schedule of payment of restitution is established and continued until paid in full.

Section 7. Each inmate participating in the program shall participate in a 40-hour workweek of paid private employment, public service work program, or a combination of both.

Section 8. The department is authorized to charge each inmate participating in the program a weekly amount for supervision costs, which shall not exceed 25 percent of the adjusted gross weekly income of the inmate. Such sums shall be retained by the department and placed in a fund in the state treasury to defray the expense of administering this program and is hereby appropriated therefor.

Section 9. No inmate granted privileges under the provisions of this act shall be deemed to be an agent, employee, or involuntary servant of the department while involved in the free community or while going to and from employment or other specified areas.

Section 10. The commissioner shall prepare an annual report to be filed not later than 60 days following the close of each fiscal year with the Governor, the Lieutenant Governor, members of the legislature and the Legislative Budget Committee showing the operation and administration and suggestions as deemed advisable.

Section 11. The commissioner shall promote public understanding of the provisions of this act as well as encourage the coop-

eration of all state agencies involved in implementing the provisions of this act.

Section 12. The willful failure of an inmate to remain within the extended limits of the inmate's confinement, or to willfully return within the time prescribed to the place of confinement designated by the commissioner or his agent, shall be deemed as an escape from the custody of a penal facility and shall be punishable as prescribed by law.

Section 13. The Supervised Intensive Restitution (SIR) Program is hereby exempted from the Administrative Procedures Act.

Section 14. The provisions of this Act, and the activities herein authorized, shall be subject to the review and recommendations of an oversight committee which shall be composed of the Chief Examiner of Public Accounts, the State Finance Director, and the Chairman of the Permanent Legislative Committee on The Board of Corrections Management and Performance Evaluation as created by Act No. 76-84 of the Legislature of Alabama, as amended, which said committee shall continue and function for so long as the provisions of this Act are in effect.

Section 15. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 16. All laws or parts of laws which conflict with this act are hereby repealed.

Section 17. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 28, 1983

Time: 5:00 P.M.

Act No. 83-839

H.J.R. 47—Reps. Reed, Kennedy, Adams, Albright, Beers, Black, Blake, Blakeney, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Coleman, Cosby, Crow, Davis, Drake, Escott, Fuller, Gaston, Goodwin, Grayson, Grimsley, Grouby, Hall, Hammett,

Harper, Holmes, Hooper,
Horn, Johnson (Roy),
Junkins, Laird, Lauderdale,
Lindsey, McDowell, McKee,
McMillan, McNair, Marietta,
Mathis, Melton, Mikell,
Mitchell, Moore, Newman,
Onderdonk, Parker, Penry,
Perdue, Pratt, Rains, Rice,
Rogers, Smith, Spratt,
Starkey, Starr, Tanner,
Thomas, Trammell, Turner,
Venable, White (G), Zoghby

HOUSE JOINT RESOLUTION

REQUESTING A MOMENT OF SILENCE ON BEHALF OF
JOHN F. KENNEDY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,
BOTH HOUSES THEREOF CONCURRING, That this legislative
body stand for a moment of silence in recognition of the 20th Anni-
versary of the assassination of John F. Kennedy, the 35th President
of the United States.

Approved November 28, 1983

Time: 5:00 P.M.

Act No. 83-840

H.J.R. 36—Rep. Johnson (Roy)

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF THE
STATE OF ALABAMA, BOTH HOUSES THEREOF CONCUR-
RING, That when we adjourn today, Tuesday, November 22, 1983,
we adjourn sine die.

Approved November 28, 1983

Time: 5:00 P.M.

Act No. 83-841

H.J.R. 40—Reps. Gray, Adams, Albright,
Bachus, Beers, Biddle,
Black, Blake, Blakeney,
Boles, Bowling, Box,
Brakefield, Britnell, Brooks,

Browder, Bryant, Bugg,
 Burke, Buskey (James),
 Buskey (John), Butler,
 Campbell, Carothers, Carter,
 Clark (D), Clark (J), Clark
 (W), Coburn, Coleman,
 Cosby, Crow, Davis, Drake,
 Dutton, Escott, Faulk,
 Flowers, Ford, Fuller,
 Gaston, Goodwin, Grayson,
 Grimsley, Grouby, Hall,
 Hammett, Harper, Harvey,
 Hettinger, Holley, Holmes,
 Hooper, Horn, Johnson
 (R.G.), Johnson (Roy),
 Junkins, Kennedy,
 Kvalheim, Laird, Lauderdale,
 Lindsey, McDowell, McKee,
 McMillan, McNair, Marietta,
 Martin, Mathis, Melton,
 Mikell, Mitchell, Moore,
 Newman, Nicholson,
 Onderdonk, Parker, Payne,
 Penry, Perdue, Poole, Pratt,
 Preuitt, Rains, Reed, Rice,
 Richardson, Rogers, Sasser,
 Seibels, Smith, Spratt,
 Starkey, Starr, Tanner,
 Thomas, Trammell, Turner,
 Turnham, Venable, Warren,
 White (F), White (G), White
 (L), Zoghby

HOUSE JOINT RESOLUTION

**COMMENDING NASCAR CHAMPION, BOBBY ALLISON
 OF HUEYTOWN, ALABAMA.**

WHEREAS, the Alabama Legislature joins with citizens state-wide in expressing deep pride and sheer joy in Alabamian Bobby Allison's capture of the NASCAR Grand National Championship on November 20, 1983; and

WHEREAS, truly the "Olympic Gold" of stockcar racing, the NASCAR title hinged on the Winston Western 500, and Mr. Allison's ninth-place finish was more than enough to clinch the Championship for Alabama's shining star; and

WHEREAS, Mr. Allison's race for the crown, however, was not without a myriad of problems which ran the gamut from rain-soaked track to tremendous pressure from two-time defending champion, Darrell Waltrip; and

WHEREAS, he also was plagued throughout the race with problems involving tires, vibration and fuel pressure, but was spectacularly triumphant in the end winning the title by a clear-cut 47 points over and above the next best season cumulative; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein most highly commend and extend heartiest congratulations to Mr. Bobby Allison, the first and only Alabamian to bring home the NASCAR Grand National Championship.

BE IT FURTHER RESOLVED, That Mr. Allison be presented with a copy of this resolution in small token of our regard, and in admiration of his ascendance to the pinnacle of his profession.

Approved November 28, 1983

Time: 5:00 P.M.

Act No. 83-842

H.J.R. 42—Reps. Rains, Coleman, Bugg

HOUSE JOINT RESOLUTION

COMMENDING MR. GLENN L. MAZE UPON HIS APPOINTMENT AS DEAN OF INSTRUCTION AT SNEAD STATE JUNIOR COLLEGE.

WHEREAS, it is with pleased commendation, that the Alabama Legislature notes the recent appointment of Mr Glenn L.Maze as Dean of Instruction at Snead State Junior College, Boaz, Alabama; and

WHEREAS, Mr. Maze, former chairman of the institution's Music Department, served on the music faculty from 1950 to 1952 and from 1959 to the present; and

WHEREAS, during these tenures, Mr. Maze has been responsible for the development of a music program that is considered to be one of the more highly respected among our State's colleges; and

WHEREAS, he holds B.S.M.E. and M.A. Degrees from the University of Alabama and has completed course work for a Ph.D. in Music Education at Florida State University and for a doctorate in Higher Education at the University of Alabama; and

WHEREAS, in addition to his affiliation with a number of professional organizations, Mr. Maze also is a member of Civitan International, Mountain-Valley Council on the Arts and the Mountain-Valley Chorus; and

WHEREAS, Mr. Maze, Boaz Civitan Man of the Year for 1983, additionally serves as Minister of Music at Boaz First Baptist Church, a position he has held for some 23 years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein extend sincere and commendatory congratulations to Mr. Glenn L. Maze upon his selection as Dean of Instruction at Snead State Junior College, and direct that he receive a copy of this resolution in small token of our warm praise and regard.

Approved November 28, 1983

Time: 5:00 P.M.

Act No. 83-843

H.J.R. 43—Reps. Rains, Coleman

HOUSE JOINT RESOLUTION

COMMENDING MRS. LEE BRADY ON HER 102ND BIRTHDAY.

WHEREAS, Mrs. Lee Brady of Albertville, whose date of birth is September 12, 1881, was 102 on September 12, 1983; and

WHEREAS, she is recognized as Albertville's oldest living citizen; and

WHEREAS, much of Mrs. Brady's life has centered around the First Methodist Church of Albertville where she has been one of the most active members; and

WHEREAS, she was born in Randolph County, Georgia, and graduated from Scarritt College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this Legislature would like to congratulate and pay tribute to this great lady of Alabama upon reaching her 102nd Birthday, and extend her our wishes for her good health and happiness in the years to come.

Approved November 28, 1983.

Time: 5:00 P.M.

Act No. 83-844

H.J.R. 44—Reps. Rains, Coleman

HOUSE JOINT RESOLUTION

COMMENDING PAT COURINGTON, JR.

WHEREAS, Mr. Pat Courington, Jr., of Albertville, Alabama, has been elected president of Sand Mountain Newspapers, Incorporated, Sand Mountain Broadcasting Service, Incorporated, and Sand Mountain Publishing Company, Incorporated, by the board of directors of these three corporations; and

WHEREAS, a prominent area citizen and civic leader, Mr. Courington is a native of Albertville and a graduate of Birmingham-Southern College; and

WHEREAS, Mr. Courington is indeed to be congratulated on his recent election to the presidency of this media group, and his selection by the board is a compliment to his obvious talent and ability; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mr. Pat Courington, Jr., for outstanding achievement and direct that he receive a copy of this resolution in expression of our sincere warm praise and regard.

Approved November 28, 1983

Time: 5:00 P.M.

Act No. 83-845

H.J.R. 45—Rep. McKee

HOUSE JOINT RESOLUTION

WHEREAS, Mr. Tal Eaton, Cameraman Cum Laude, and photographer phenomenal for WSFA-TV has diligently documented the proceedings of Alabama's august law-making assembly for, lo, these many years, since 1965, immortalizing the illustrious emanations on celluloid and capturing the cacophonous carnivalities on tape;

WHEREAS, Mr. Eaton has braved hail, sleet, snow, and vapor to suffer through:

morning machinations,
afternoon alliterations,
twilight titillations,
midnight naunderings,

desultory dissertations,
 disparaging deductions,
 dyspeptic dodderings,
 discordant disputations,
 strangulated superlatives,
 surreptitious shenanigans,
 stonewalling sesquipedalians,
 disdainful demagogueries,
 forensic fulminations,
 futile filibusters,

and every now and then, a plain and prudent word;

NOW BE IT THEREFORE RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend Mr. Tal Eaton for his many years of devoted service above and beyond the call of sane and rational duty;

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Mr. Eaton as a token of the sincere esteem in which he is held by those whom he has immortalized—the Alabama Legislature and other dignitaries of our beloved State.

Approved November 28, 1983

Time: 5:00 P.M.

Act No. 83-846

H.J.R. 46—Reps. Turnham, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton,

Escott, Faulk, Flowers,
 Ford, Fuller, Gaston,
 Goodwin, Gray,
 Grayson, Grimsley,
 Grouby, Hall,
 Hammett, Harper,
 Harvey, Hettinger,
 Holley, Holmes,
 Hooper, Horn, Johnson
 (R.G.), Johnson (Roy),
 Junkins, Kennedy,
 Kvalheim, Laird,
 Lauderdale, Lindsey,
 McDowell, McKee,
 McMillan, McNair,
 Marietta, Martin,
 Mathis, Melton, Mikell,
 Mitchell, Moore,
 Newman, Nicholson,
 Onderdonk, Parker,
 Payne, Penry, Perdue,
 Poole, Pratt, Preuitt,
 Rains, Reed, Rice,
 Richardson, Rogers,
 Sasser, Seibels, Smith,
 Spratt, Starkey, Starr,
 Tanner, Thomas,
 Trammell, Turner,
 Venable, Warren White
 (F), White (G), White
 (L), Zoghby

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MR. J. F. INGRAM.

WHEREAS, the entire State of Alabama suffered a great loss in the death of Mr. J. F. Ingram on Saturday, November 19, 1983; and

WHEREAS, Mr. Ingram gave more than fifty-two years of service to vocational education in the State of Alabama; and

WHEREAS, Mr. Ingram was lovingly recognized as the "Father of Vocational Education" in Alabama; and

WHEREAS, Mr. Ingram served as State Director of Vocational Education from 1961 to 1970; and

WHEREAS, while serving as President of the American Vocational Association during 1956, he was selected by the President of

the United States to represent our nation in Paris, France, at an International Conference comprised of representatives from seventeen countries for the study of vocational education; and

WHEREAS, he was honored with the designation, in his name, of the J. F. Ingram State Technical College where he continued to serve as a member of its Advisory Council and as a consultant until his death; and

WHEREAS, he was a charter member of Iota Lambda Sigma, an honorary vocational education fraternity, as well as the St. James Methodist Church in Montgomery, Alabama, and continued to serve faithfully and nobly until his death; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby convey great sympathy and compassion to Mr. Ingram's family for their great loss.

BE IT FURTHER RESOLVED, That the Legislature wishes for the family to know that all of the State of Alabama feel the great loss at the passing of this outstanding Alabamian.

RESOLVED FURTHER, That copies of this Resolution be forwarded to Mrs. J. F. Ingram, Mr. J. Frederic Ingram, and J. F. Ingram State Technical College.

Approved November 28, 1983

Time: 5:00 P.M.

Act No. 83-847

H. 14—Rep. Faulk

AN ACT

To amend Section 2 of Act No. 219, H. 463 (1949 Regular Session) (Acts 1949, P. 311), as last amended, entitled "An Act Relating to Butler County: To Provide Further for the County Board of Education, Providing for the Election of Members, Fixing their Terms and Compensation, and Defining their Powers and Duties", so as to provide that the Election Districts of the Associate Members of the Board will be the same as the Election Districts for the County Commission.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 219, Acts of Alabama, Regular Session, 1949, page 311, as last amended, is amended to read as follows:

"Section 2. One associate member shall be elected from each of the four (4) Commissioner's Districts into which the county is now or as may hereafter be provided by law. Each associate member must be a resident and qualified elector of the district he represents,

and shall be nominated and elected by the qualified electors of that district. The Chairman of the Board must be a resident and qualified elector of Butler County, and shall be nominated and elected by the qualified electors of the entire county. Except as otherwise hereinafter provided, the Chairman and the associate members shall be elected for terms of four (4) years or until their successors are elected and qualified, their terms commencing on the second Tuesday in January immediately following their election."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 28, 1983

Time: 5:00 P.M.

Act No. 83-848

H. 15—Rep. Faulk

AN ACT

Relating to the election of County Commissioners in Butler County; to provide for redistricting and reapportionment of the electors in Butler County; to provide for dividing Butler County into four (4) Commissioner's Districts; to provide for the election of a Commissioner in each of such districts; to provide for the tenure of office of such Commissioners; to provide the compensation of the Commissioners so elected; to provide for the division and assignment of the voters in Election Precinct 12 of said county, which is being divided among three (3) of the districts; to provide methods and procedures for effecting the assignment of voters in Election Precinct 12; to provide for the repeal of Act No. 136 of the Regular Session of the 1969 Legislature and other laws inconsistent herewith; to provide for the payment of all expenses in connection with passage of this legislation and the voter assignment in Election Precinct 12; and to provide that the provisions of this Act shall become effective after January 1, 1984.

Be It Enacted by the Legislature of Alabama:

Section 1. Butler County is hereby divided into four (4) Commissioner's Districts to be designated District No. 1, District No. 2, District No. 3, and District No. 4.

Section 2. District No. 1 shall be composed of the territory now embraced in Election Precincts 2, 13, 14, 15, and 19. District No. 2 shall be composed of the territory now embraced in Election Precincts 1, 9, 10, 11, 16, 18, and that portion of 12 outside the Corporate limits of the City of Greenville and West of both Interstate 65 and Alabama Highway No. 185, and all that portion of 12 in the Corporate limits of the city of Greenville lying West of the following line: Begin at a point where the southern Corporate limits of the City of Greenville intersects Alabama Highway No. 185 South, run North along 185 South to Milner Street, run West along Milner

Street to Dohrmier Street, run North along Dohrmier Street to Commerce Street, run West along Commerce Street to Simpson Street, run North along Simpson Street to Oak Street, run East along Oak Street to South Perry Street, run North along South Perry Street to Gamble Street, run East along Gamble Street to Alabama Highway No. 185, run North along Alabama Highway No. 185 to the Corporate limits of the City of Greenville. District No. 3 shall be composed of the territory now embraced in Election Precincts 5, 6, 7, 8, and that part of 12 outside the northern Corporate limits of the City of Greenville lying West of both Butler County Road No. 61 and U. S. Highway No. 31 and lying East of Alabama Highway No. 185, and all that part of 12 in the City of Greenville lying Northeast of the following line: Begin where South Conecuh Street crosses the southern Corporate limits of the City of Greenville, run North along Conecuh Street to School Highlands Road, run West along School Highlands Road to Hickory Street, run North along Hickory Street to Parmer Street, run West along Parmer Street to Church Street, run North along Church Street to Herbert Street, run West along Herbert Street to Bolling Street, run North along Bolling Street to Commerce Street, run West along Commerce Street to Water Street, run North along Water Street to Gamble Street, run East along Gamble Street to Alabama Highway No. 185, run North along Alabama Highway No. 185 to the Corporate limits of the City of Greenville. District No. 4 shall be composed of the territory now embraced in Election Precincts 3, 4, 17, and that part of 12 not included in District Nos. 2 and 3 as described above.

Section 3. At the primary election in 1984 and every four (4) years thereafter, the qualified electors of each of said districts in Butler County entitled to participate in such primaries shall nominate one Commissioner for said county of Butler for that District, who shall be a bona fide elector of and shall actually reside in the district for which he is nominated; and, at the General Election in 1984 and every four (4) years thereafter, the qualified electors of each of said districts in Butler County shall elect one Commissioner for said County of Butler for that district, who shall be a bona fide elector of and shall actually reside in the district for which he is elected, and who shall hold office for a period of four (4) years, and until his successors shall be elected and qualified.

Section 4. The Commissioners elected under the provisions of this Act shall be entitled to, as compensation for their services, and in lieu of all other expenses and allowances heretofore provided for Commissioners, the sum of \$800.00 per month, such compensation to be payable from the County Gas Tax Fund and from the County General Fund, as the Commission shall by resolution spec-

ify, and in addition thereto reimbursement from the General Fund of \$.10 a mile to and from the sessions of the Commission.

Section 5. This Act shall not affect the duties, right and tenure of the office of the members of the present County Commissioners of said county but said Commissioners shall continue to hold and discharge the duties of said office as is now incumbent upon them and as may be made incumbent upon them by law, until their successors shall be elected and qualified under this Act.

Section 6. As used in this Act, the "Corporate limits of the City of Greenville" shall mean those set by Act No. 308, H. 209 (Acts 1969, p. 643) of the 1969 Regular Session of the Alabama Legislature.

Section 7. After the effective date of this Act the Board of Registrars of Butler County, Alabama is hereby directed to place the name of each qualified elector in Election Precinct 12 whose residence address is known to the Registrars, on the list of qualified electors for the particular polling place or subdivision of Election Precinct 12 in which such voter shall reside, and shall list all others as unassigned voters.

Section 8. The Board of Registrars shall cause notice to be given to the non-assigned voters in Election Precinct 12 that unless they shall identify for assignment as hereinafter provided, their name will be maintained on a separate list of non-assigned qualified electors for the Election Precinct but they shall not be assigned to a particular division of the precinct and unless they identify for assignment as hereafter provided, they shall not be entitled to vote unless they shall identify at the time of voting and sign an affidavit of residency in the division of the District at which they vote at the time of voting, and such vote shall be cast and counted in all respects as a challenged ballot.

Section 9. A non-assigned voter may identify himself for assignment in any one of the following ways:

(a) He may identify himself for assignment by appearing in person at the office of the Board of Registrars and answering such questions and submitting such proof as may be reasonably required by the Board of Registrars to establish his identity and place of legal residence and that he has not become disqualified from voting in such county or election district.

(b) He may identify himself by filling in and mailing to the office of the Board of Registrars the completed answers to such questions as may reasonably be propounded and mailed to him in a written questionnaire by the Board of Registrars, or on a form which Board of Registrars shall cause to be printed in all newspapers of

general circulation published in the county. Such questionnaire may contain such questions as are reasonably necessary to establish the identity of the person signing the questionnaire, the place of his legal residence, and that he has not become disqualified from voting in such county or election district. All answers to such questionnaires shall be signed by the elector in the presence of a deputy Registrar appointed by the Board of Registrars, or at least two (2) witnesses who shall sign his answer as attesting witnesses.

(c) He may identify himself for assignment at the general election of 1984 or at any election at which he votes during 1984 by filling out and signing answers to the questionnaire prepared by the Board of Registrars in the presence of a clerk, manager, or returning officer, who shall sign the answers of such voter as an attesting witness. The returning officer shall transmit all such filled in and signed answers to questionnaires to such Board of Registrars but such vote shall be cast and counted in all respects as a challenged ballot.

(d) Any voter on the separate list and not assigned to an election precinct may identify himself for assignment on any election day at the office of the Board of Registrars or Probate Judge by appearing in person and submitting such proof as may be reasonably required by the Board of Registrars to establish his identity and place of legal residence and that he has not become disqualified from voting in such county or election district. He will be given a certificate to take to the polls an order to vote on that day as an assigned voter.

Section 10. The Board of Registrars shall stay in continuous session from the first Monday in January 1984 through and including the first Monday in April of 1984, either by the entire Board or a member thereof as otherwise provided by law, for the purpose of facilitating assignment of voters in Election Precinct 12. The Board of Registrars shall publish a list of those non-assigned voters in the Precinct and a list of the assigned voters in the Precinct during January of 1984 and again in April of 1984 along with a notice of the need to be assigned and the manner in which a voter may be assigned. Any voter improperly or incorrectly assigned to a division may be re-assigned in the same manner as a non-assigned voter.

Section 11. All expenses incurred in connection with the passage of this legislation and the identification of voters for assignment which is not otherwise provided for by law shall be authorized to be paid by the Butler County Commission.

Section 12. All laws or parts of laws which conflict with this Act are hereby repealed and Act No. 136 of the Regular Session of the 1969 Legislature is hereby specifically repealed.

Section 13. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 14. The provisions of this Act shall become effective after January 1, 1984.

Approved November 28, 1983

Time: 5:00 P.M.

Act No. 83-849

H.J.R. 12—Rep. Boles

HOUSE JOINT RESOLUTION

TO PROVIDE ADDITIONAL PER DIEM EXPENSE ALLOWANCES AND ADDITIONAL MONTHLY EXPENSE ALLOWANCES TO MEMBERS OF THE LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That each member of the Legislature shall be entitled to and shall be paid an additional thirty dollars (\$30.00) per diem for expenses incurred in the performance of his or her duties for the duration of any regular or special session of the Legislature. Such expense allowance shall be in addition to all other allowances and expenses heretofore provided for members of the Legislature.

BE IT FURTHER RESOLVED, That each member of the legislature shall be allowed an additional two hundred dollars (\$200.00) per month for expenses incurred in the performance of his or her duties, to be paid at the end of each month during his or her term.

BE IT FURTHER RESOLVED, That this order shall take effect upon the approval thereof by the Governor as provided in Article 5, Section 125 of the Constitution.

Approved December 1, 1983

Time: 5:00 P.M.

ALABAMA LAWS
and Joint Resolutions
FOURTH SPECIAL SESSION 1983

Act No. 83-850

S.J.R. 2—Senator Teague

SENATE JOINT RESOLUTION

DESIGNATING THE PLACE OF MEETING OF THE ALABAMA LEGISLATURE.

WHEREAS, the Alabama State Capitol is to be repaired, renovated and restored beginning January 1, 1984, and

WHEREAS, Act No. 82-331 authorizes the Legislature to provide a suitable meeting place for the transaction of business while the Capitol is being repaired, renovated and restored; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that the seventh floor of the Alabama Highway Department Building is hereby designated as the place of meeting for the Senate of the State of Alabama and the sixth floor of the Alabama Highway Department Building is hereby designated as the place of meeting of the Alabama House of Representatives beginning with any Session after the 1984 Regular Session. The Senate and House of Representatives will occupy the sixth and seventh floors of the Alabama Highway Department Building and any portion of the fifth floor of said building as may be needed for the transaction of any official legislative business and duties beginning January 1, 1984.

BE IT FURTHER RESOLVED, that the fifth, sixth and seventh floors of the Alabama Highway Department Building shall be designated and known as the Alabama State House pursuant to Act No. 82-331.

Approved December 7, 1983

Time: 4:45 P.M.

Act No. 83-851

S.J.R. 4—Senator Strong

SENATE JOINT RESOLUTION

COMMENDING THE DEMOPOLIS HIGH SCHOOL FOOTBALL TEAM FOR PARTICIPATION IN THE STATE 3A PLAY-

OFFS.

WHEREAS, the Legislature of Alabama notes with utmost commendation the participation by Demopolis High School in the State 3A Football Play-offs; and

WHEREAS, the Demopolis Tigers earned their play-off berth by virtue of a fantastic 9-1 record in regular season play; in State competition, they tucked rounds 1 and 2 under their belts with 28-0 and 27-10 victories over Hillcrest and Sylacauga High Schools, respectively, advancing to the semi-finals before losing to powerhouse Escambia County High; and

WHEREAS, leading the Tigers to such an outstanding '83 season, and to the state semi-finals, is Head Coach Fred Schoenrock, ably assisted by Coach Phillip Lolley; Coach Schoenrock, a 14-year veteran with Demopolis High, also serves as athletic director and, in said capacity, has played a large role in the excellent athletic program afforded students at Demopolis High School; and

WHEREAS, primarily due credit, however, for this year's big football season, are the dedicated players who put forth maximum effort, working as a team, to achieve their goal; faculty, staff and students are to be commended as well for their support and encouragement throughout the entire season; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Coach Fred Schoenrock, Coach Phillip Lolley and their Demopolis High School Tigers for outstanding performance and accomplishment during the 1983 football season.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Coach Schoenrock on behalf of the team, with a copy also provided for appropriate school display.

Approved December 7, 1983

Time: 4:40 P.M.

Act No. 83-852

S.J.R. 6—Senator Denton

SENATE JOINT RESOLUTION

CREATING A JOINT INTERIM COMMITTEE ON COUNTY GOVERNMENT.

WHEREAS, county governments provide essential services to all of Alabama's 3.9 million citizens whether they reside within the incorporated or unincorporated areas of the state; and

WHEREAS, the growth of the demands for new and expanded county services by both urban and rural citizens has reached heights never before experienced in this state; and

WHEREAS, it is essential that county governments have the necessary constitutional and statutory authority to provide the needed services and at the lowest possible cost to the taxpayers of Alabama; and

WHEREAS, the Alabama Legislature has never had an Interim Committee to study county government in Alabama and this Legislature recognizes the need to create an Interim Committee on County Government; now therefore

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES CONCURRING, That in order to suggest to State Legislators sound, workable and financially feasible methods of administration for Alabama's county governments, there is hereby created a Joint Interim Committee on County Government of the Legislature of Alabama, to be composed of eight (8) members of the Legislature - four (4) from the House, to be appointed by the Speaker of the House, and four (4) from the Senate, to be appointed by the Lieutenant Governor. It shall be the duty and function of the Committee to completely analyze the present status of county government in Alabama and to make such recommendations for legislation and constitutional revision which it considers necessary or desirable to enable the county governments of this state to better meet and supply the needs and demands of the citizens of this state.

In reviewing the status and laws of county governments in Alabama, the Committee shall consider but shall not limit its consideration to the following items:

(1) The functions and responsibilities of county governments in providing services and facilities to the residents of the state, and whether or not additional legislation is needed or desirable to enable counties to provide reasonable and adequate standards of services and facilities;

(2) The legal framework of county government in Alabama, the power and authority presently enjoyed by county governments heretofore granted by the Legislature, and the restrictions placed on county governments by the Legislature and whether or not there is need for legislation to broaden the powers and authority of said county governments so as to give them more freedom in fulfilling their responsibilities to the citizens of the state;

(3) The financial resources of county government in Alabama and what legislation, if any, is needed to provide more adequate financial resources for support of county governments;

(4) The impact of legislative mandates upon the financial resources of counties;

(5) The impact of industrialization and rapid suburban development on the ability of county governments to provide reasonable and adequate standards of services and facilities to Alabama citizens and what legislation is necessary or desirable to enable county governments to provide a better standard of services and facilities in a period of rapid change in areas such as industrial development, residential subdivision development, solid waste disposal, provision of utility services, personnel administration, personnel training and human resource development, law enforcement, fire protection, highway maintenance and construction, recreation and the coordination of state and federal assistance programs.

BE IT FURTHER RESOLVED, that the Committee shall not consume more than forty-five (45) working days in performing its functions and that its work be finished in time for the preparation of a preliminary report to be submitted during the first week of the 1984 Regular Session of the Legislature of Alabama and a final report to be submitted during the 1984 Regular Session of the Legislature of Alabama and that as far as practicable that all meetings of the Committee be held in the State Capitol and be open to the public. The Secretary of the Senate or Clerk of the House is hereby required to provide one clerk, who shall be a competent stenographer, and the Committee is hereby empowered to employ such other personnel, including reporters and attorneys, as the Committee shall deem necessary. The Committee is hereby empowered and authorized to expend funds for the purpose of correspondence with prospective witnesses, in preparation of reports and in general expenses incident to the work of the Committee. Each member of the Committee shall be entitled to regular legislative compensation, per diem and travel expenses for each day he or she attends a meeting of the Committee which shall be paid out of the funds appropriated to the use of the Legislature, on warrants drawn on the state comptroller upon requisition signed by the Committee's chairman, provided, however, that members shall not receive additional legislative compensation or per diem when the Legislature is in session. The chairman of the Committee shall certify the sums due to the clerk or other employees of the Committee. The total amount of funds expended by the Committee in carrying out the study shall not exceed the sum of Ten Thousand Dollars (\$10,000.00). The Committee shall organize itself at the first meeting and elect from among its membership a Chairman and a Vice-Chairman. The Lieutenant Governor and the Speaker of the House shall be ex officio members of the Committee and shall receive compensation at the rate paid other members for each day that they sit with this Committee or in han-

dling any other matters agreed upon by the Committee in line with the general purpose of the Committee.

Approved December 7, 1983

Time: 4:40 P.M.

Act No. 83-853

S.J.R. 7—Senator Teague

SENATE JOINT RESOLUTION

DEVELOPMENT OF CORRECTIONAL EDUCATION IN NEW PRISONS.

WHEREAS, incarceration in Alabama Prisons is an increasing burden to the taxpayers of Alabama; and

WHEREAS, new prisons may have to be constructed to house the increased numbers; and

WHEREAS, Correctional Education is recognized as the best deterrent to the repetition of criminal activity resulting in individuals returning to prison; and

WHEREAS, it is recognized that the success rate of Alabama programs is eighty-five percent while the national success of all prisons to keep released offenders working, paying taxes, and providing for themselves and their families is only thirty-five percent; and

WHEREAS, all two-year colleges providing Correctional Education are accredited by the Southern Association of Colleges and Schools; and

WHEREAS, J. F. Ingram State Technical College was recognized by the U. S. Department of Education in the Summer of 1980, as one of the ten most successful programs in the United States and was recently revisited by Mr. Bernard B. O'Hayre, Director of Corrections Program, U. S. Department of Education, who confirmed that the high quality of Ingram's program remains intact; and

WHEREAS, on August 16, 1983, the U. S. Secretary of Education, T. H. Bell, signed the Correctional Education Policy Statement which insures education involvement in corrections at the National level; and

WHEREAS, all institutions have active Citizen Advisory Councils to insure quality programs and assurance to the taxpayers that their concerns are protected; and

WHEREAS, on March 16, 1982 (Action Item No. G-1), the State Board of Education responded to its Prison Education Study

Committee's recommendations and established Jurisdictional Responsibility for Prison Education in Alabama; and

WHEREAS, these Jurisdictional Responsibilities are still valid and effective; and

WHEREAS, on April 28, 1983 (Action Item No. 6), the State Board of Education authorized programs at West Jefferson and St. Clair Correctional institutions; and

WHEREAS, it is recognized that thirty-five percent of the population in each major correctional institution should be enrolled in educational programs, thereby, providing manpower to perform tasks for operation of prisons and allowing most incarcerated persons to enroll prior to release; and

WHEREAS, the Governor, through the Department of Economic and Community Affairs, has provided some CETA and JTPA start-up funds for programs at West Jefferson and St. Clair; and

WHEREAS, ninety-eight percent of the State prisoners will be released and those communities to which the released prisoners will return deserve to have them come back with employable skills, a desire to work, ability to provide for themselves and pay taxes, and possessing respect for the rules of society:

NOW, THEREFORE, BE IT RESOLVED, That the legislature wishes the State Board of Education to direct that J. F. Ingram State Technical College, Alexander City State Junior College, Atmore State Technical College, and Jefferson Davis State Junior College develop programs for prisons in their jurisdictions as rapidly as funds (from any source) can be secured; and

BE IT FURTHER RESOLVED, That when temporary start-up funds (such as CETA and JTPA) are no longer available, student enrollment credit and contact hours for approved courses will be counted in formula calculations for following year's allocation.

Approved December 7, 1983

Time: 4:40 P.M.

Act No. 83-854

H.J.R. 2—Rep. Johnson (Roy)

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a committee of three members of the House, to be named by the Speaker of the House, and three members of the Senate, to be named by the Presiding Of-

ficer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

Approved December 7, 1983

Time: 4:40 P.M.

Act No. 83-855

H.J.R. 3—Rep. Johnson (Roy)

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Wednesday, November 30, 1983, we adjourn to meet again on Thursday, December 1, 1983; Tuesday, December 6, 1983; Wednesday, December 7, 1983; and Thursday, December 8, 1983.

Approved December 7, 1983

Time: 4:40 P.M.

Act No. 83-856

H.J.R. 5—Reps. Kennedy, Clark (W.),
Buskey (James), Thomas,
Black, Bryant, Buskey
(John), Grayson,
McDowell, Escott, Perdue,
Spratt, Reed

HOUSE JOINT RESOLUTION

COMMENDING JOEL HAVEN HILL FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATIVE BLACK CAUCUS.

WHEREAS, The Alabama Legislature, in commendation and gratitude, herein extends highest recognition of outstanding service rendered by Joel Haven Hill who, as an intern with the Southern Legislative Research Council, worked closely with the Alabama Legislative Black Caucus; and

WHEREAS, in association with the caucus during the 1983 Regular Session, Mr. Hill was charged with responsibilities to monitor committees and floor deliberations; to review legislative proposals of state governmental departments; review first readings and develop analyses of pending legislation, or proposals, in specified issue

areas; and to assist in the preparation of a weekly Legislative Bulletin; and

WHEREAS, following completion of his internship, Mr. Hill, a resident of Birmingham and a Second Lieutenant in the United States Air Force, is pursuing a military career and currently is stationed in Austin, Texas; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein express highest commendation of Lieutenant Joel Haven Hill and express our deep appreciation, as well, for his assistance to the Alabama Legislative Black Caucus.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Lieutenant Hill that he and his parents, Mr. and Mrs. Sidney Hill, Sr., may know of our sincere regard and warm best wishes for his every future success.

Approved December 13, 1983

Time: 2:15 P.M.

Act No. 83-857

H.J.R. 32—Reps. Dutton, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D.), Clark (J.), Clark (W.), Coburn, Coleman, Cosby, Crow, Davis, Drake, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman,

Nicholson, Onderdonk, Parker,
 Payne, Penry, Perdue, Poole,
 Pratt, Preuitt, Rains, Reed,
 Rice, Richardson, Rogers,
 Sasser, Seibels, Smith, Spratt,
 Starkey, Starr, Tanner,
 Thomas, Trammell, Turner,
 Turnham, Venable, Warren,
 White (F.), White (G.), White
 (L.), Zoghby

HOUSE JOINT RESOLUTION

WISHING SENATOR ROGER BEDFORD A SPEEDY RECOVERY.

WHEREAS, our good friend and colleague, Senator Roger Bedford of Russellville, Alabama, has been involved in a serious accident preventing his attendance of legislative meetings, we the members of the Alabama State Legislature extend our prayers and good wishes for a speedy and total recovery; and

WHEREAS, recognizing Senator Bedford's abilities and talents in our legislature and knowing his love for his district and for the people of this great state of Alabama, we his fellow members of the Alabama State Legislature do beseech almighty God for guidance and blessings on Senator Bedford's period of recovery so that this dear friend of ours may return to a full and productive life and continue to contribute to the progress of his beloved state of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, to his family and to Senator Bedford, we the members of the Alabama State Legislature extend our heartfelt wishes for this upcoming holiday season and thanks to almighty God for His allowing Senator Bedford to survive this accident and pray that we shall all be together again in our beloved Capitol in Montgomery, Alabama during the upcoming Regular Session in February; and

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Senator Bedford and his family to show our concern for our colleague.

Approved December 13, 1983

Time: 2:25 P.M.

Act No. 83-858

H.J.R. 36—Reps. Kennedy, Zoghby,
Buskey (James),
Kvalheim, Harper,
Gaston, Turner,
Marietta, Box,
Clark (W.)

HOUSE JOINT RESOLUTION

COMMEMORATING THE 20TH ANNIVERSARY OF THE UNIVERSITY OF SOUTH ALABAMA.

WHEREAS, October 18, 1983, marked the beginning of a year-long observance of the 20th Anniversary of the University of South Alabama, dedicated on that date in 1964; and

WHEREAS, during these past 20 years, the University has experienced a phenomenal growth from a mere 276 students in the Summer of 1964 to an enrollment exceeding 9,500 for the Fall of 1983; and

WHEREAS, the University of South Alabama, which has graduated more than 12,000 students, offers two certificate programs, fifty-one bachelor degree programs, nineteen master's programs and three programs leading to the doctoral degree; and

WHEREAS, through its effective teaching faculty, the University motivates students to excel in their fields of study in preparation for professional careers essentially founded on academic excellence and personal growth; and

WHEREAS, in physical growth, the University of South Alabama has developed from a one-building facility to the multimillion-dollar campus it is today, including a medical school and its Brookley campus; situated on some 1,500 acres, the college continues to grow both through new construction and the expansion of existing facilities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in highest commendation of the administrators, faculty and staff of the University of South Alabama, we extend congratulations and express sincere praise on the occasion of the institution's 20th anniversary.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to University President Frederick P. Whiddon.

Approved December 13, 1983

Time: 2:25 P.M.

Act No. 83-859

H.J.R. 52—Rep. White (L.)

HOUSE JOINT RESOLUTION

COMMENDING THE RUSSELL CORPORATION AND POP WARNER FOOTBALL FOR THEIR JOINT SPONSORSHIP OF THE RUSSELL ATHLETIC BOWL, THE FIRST NATIONAL YOUTH FOOTBALL CHAMPIONSHIP.

WHEREAS, on December 10, 1983, the City of Alexander City, Alabama, will host the first national youth football championship, The Russell Athletic Bowl, a joint extension by the Russell Corporation and Pop Warner Football of previously regional bowl games and festivities; and

WHEREAS, slated to become an annual event, this year's inaugural bowl will consist of games in the Peewee, Junior and Midget divisions with the participating teams determined by division finish and scholastic standing within their 4-region areas; and

WHEREAS, through its support and sponsorship, the Russell Corporation will help establish scholarship awards for worthy Pop Warner athletes thereby promoting the long-standing emphasis on scholastic achievement since the founding of Pop Warner Football in 1929; and

WHEREAS, the Alabama Legislature wholeheartedly supports the tradition and purpose of Pop Warner Football and joins in enthusiastic support of The Russell Athletic Bowl which focuses the eyes of America on the State of Alabama and on its host position for the first every national youth football championship; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein most highly commend The Russell Corporation of Alexander City, Alabama, and Pop Warner Little Scholars, Inc., and direct that they each receive a copy of this resolution in expression of our deep gratitude and sincere praise of their instrumental roles in recognition of achievement, in both football and scholarship, by America's youth.

Approved December 13, 1983

Time: 2:25 P.M.

Act No. 83-860

H.J.R. 9—Rep. Blake

HOUSE JOINT RESOLUTION

COMMENDING MRS. BERTIE EDGE, 1983 SAINT CLAIR

COUNTY COWBELLE OF THE YEAR.

WHEREAS, the Alabama Legislature notes with pleasure the recent selection of Mrs. Bertie Edge as 1983 Saint Clair County CowBELLE of the Year; and

WHEREAS, Mrs. Edge was chosen as the recipient of this most signal honor in recognition of her promotion of both the CowBELLE Association and the beef industry; and

WHEREAS, Mrs. Edge, who founded the CowBELLE Association in Saint Clair County in 1976, served as the organization's first president until 1980; and

WHEREAS, in addition to her work with the CowBelles, Mrs. Edge also is widely known and held in highest regard for her dedicated involvement in other areas, most particularly in the religious affairs of her community; she is a devout Christian, a warm and gracious lady, who gives her family, neighbors and friends a "real working belief in God"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein express highest commendation of Mrs. Bertie Edge of Saint Clair County; we further congratulate her as the 1983 Saint Clair County CowBELLE of the Year and direct that a copy of this resolution be provided for presentation at the forthcoming "This is Your Life" program to be held in her honor, January 17, 1984.

Approved December 13, 1983

Time: 2:15 P.M.

Act No. 83-861

H.J.R. 27—Reps. Ford, Bugg, Junkins

HOUSE JOINT RESOLUTION

COMMENDING THE LITCHFIELD HIGH SCHOOL FOOTBALL TEAM.

WHEREAS, the Litchfield High School Class 3A Football Team known as the "Eagles" has had an outstanding season with an 8-2 team record for the 1983 season; and

WHEREAS, the team under the coaching direction of Head Coach Charles "Buddy" Hearn and Assistant Coaches Hal Davidson, Virgil Holder, David Croft and Mike Bailey have guided these young men to victories for their school; and

WHEREAS, Coach Hearn in this third year of coaching the Eagles has had his best season; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby congratulate the Litchfield High School Football Team for their outstanding record; and

BE IT FURTHER RESOLVED, That Coach Charles "Buddy" Hearn receive a copy of this resolution on behalf of his staff and team, with a copy provided for appropriate school display.

Approved December 13, 1983

Time: 2:15 P.M.

Act No. 83-862

H.J.R. 28—Reps. Ford, Bugg, Junkins

HOUSE JOINT RESOLUTION

COMMENDING THE LITCHFIELD HIGH SCHOOL BAND.

WHEREAS, the Litchfield High School Band under the direction of Bruce Heard has won numerous awards including first place in the 1981 Krewe Argus Mardi Gras Parade in New Orleans; and

WHEREAS, the band won second place in the Smokey Mountain Music Festival Parade in Gatlinburg; and

WHEREAS, this band with its 55 members has received superior ratings in many contests around the Southeast; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby congratulate the Litchfield High School Band for the fine music they have provided for their school and community; and

BE IT FURTHER RESOLVED, That Bruce Heard receive a copy of this resolution on behalf of his band, with a copy provided for appropriate school display.

Approved December 13, 1983

Time: 2:15 P.M.

Act No. 83-863

H.J.R. 29—Reps. Ford, Bugg, Junkins

HOUSE JOINT RESOLUTION

CONGRATULATING THE EMMA SANSOM HIGH SCHOOL BAND.

WHEREAS, the Emma Sansom High School Band has had

many honors and awards; and

WHEREAS, the band under the direction of Robert Carter, in his third year at Emma Sansom, has won numerous awards including in 1981 the Class 2AA Oxford Marching Festival Championship. In 1982 the Class 2AA Sweepstake Championship for the Concert in the Parks Competition in Richmond, Virginia, Class 2AA Sweepstake Championship in the Greater Atlanta Area Marching Festival, First runner-up in the parade and third in the field show competition at the National Band Championship in Bradenton, Florida. In 1983 in the Class 4AAAA they were Champions in the Atlantic States Marching Competition in Dalton, Georgia and won the Championship and Sweepstake Award in the 4AAAA Peach State Marching Festival; and

WHEREAS, the band with its 125 members has won first place for the last three years in the Gadsden Christmas Parade and provided music and support for many community events as well as performing for their school; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Emma Sansom High School Band with its tradition of excellence and leadership in the field of high school band organization is duly recognized; and

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Robert Carter on behalf of his band, with a copy provided for appropriate school display.

Approved December 13, 1983

Time: 2:15 P.M.

Act No. 83-864

H.J.R. 30—Reps. Ford, Bugg, Junkins

HOUSE JOINT RESOLUTION

COMMENDING THE EMMA SANSOM HIGH SCHOOL FOOTBALL TEAM.

WHEREAS, the 1982-83 Emma Sansom High School Football Team ended their regular season with the first undefeated and untied season in the history of their school; and

WHEREAS, the Rebels with a 10-0 record for this season, the team was guided to victory under the direction of Head Coach Fred "Buster" Gross and Assistant Coaches Michael Shipp, Stan Romine, Robert Nichols and Bobby Smith; and

WHEREAS, The rebels are the Class 3A runner-ups with their 13-1 record in the best season ever; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby congratulate the Emma Sansom High School Football Team for their outstanding record; and

BE IT FURTHER RESOLVED, That Coach Fred "Buster" Gross receive a copy of this resolution on behalf of his staff and team, with a copy provided for appropriate school display.

Approved December 13, 1983

Time: 2:15 P.M.

Act No. 83-865

H.J.R. 35—Reps. Kennedy, Zoghby,
Buskey (James),
Kvalheim, Harper,
Gaston, Turner,
Marietta, Box, Clark
(W.), Buskey (John),
Melton, Thomas, Black

HOUSE JOINT RESOLUTION

WELCOMING MR. OSSIE DAVIS AND MS. RUBY DEE AS HONORED GUESTS OF THE STATE OF ALABAMA.

WHEREAS, the Legislature of Alabama anticipates with great pleasure the appearance of Mr. Ossie Davis and Ms. Ruby Dee at S. D. Bishop State Junior College on December 10, 1983; and

WHEREAS, the auspicious occasion for the featured entertainment by this world famous husband and wife team of Davis and Dee is the third annual Bishop State Alumni Dinner Dansante; and

WHEREAS, the entire State of Alabama is indeed honored to be hosts for artists of such calibre as Mr. Davis and Ms. Dee who together are the "creme de la creme" of stage, screen, radio and television; and

WHEREAS, their in-common stage appearances include roles in such noted plays as Purlie Victorious, authored by Mr. Davis, and A Raisin in the Sun; Ossie Davis also has appeared in Jeb, Anna Lucasta and Green Pastures while Ruby Dee's stage credits number among others King Lear, The Birds, The Agamemnon, and Boesman and Lena for which she won an Obie; and

WHEREAS, in aggregate, these two shining stars have appeared

in more than a dozen motion pictures and Mr. Davis has directed several well-known movies; their television credits are numbered by the dozen and include King for which Mr. Davis received an Emmy nomination; and

WHEREAS, With Ossie & Ruby and The Ossie Davis and Ruby Dee Story Hour, however, are perhaps their most famous team ventures: The first, a critically acclaimed PBS series; and the latter, a weekly radio series broadcast nationwide by the National Black Network; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in utmost commendation of exceptional achievement, we warmly welcome Mr. Ossie Davis and Ms. Ruby Dee to the State of Alabama and, most particularly, to Bishop State Junior College for its third Annual Alumni Dinner Dansante.

BE IT FURTHER RESOLVED, That copies of this resolution be presented to Ossie Davis and Ruby Dee, in expression of our pleasure in their visit to our State and in token of our highest regard of their multifaceted and worldwide success, both individually and "ensemble."

Approved December 13, 1983

Time: 2:15 P.M.

Act No. 83-866

H.J.R. 38—Reps. Nicholson, Brakefield

HOUSE JOINT RESOLUTION

COMMENDING LINDA H. BAKER ON BEING NAMED "YOUNG CAREERIST - 1983".

WHEREAS, the Legislature of Alabama has noted that Linda H. Baker was named "Young Careerist - 1983" by the Jasper Business and Professional Women at their annual banquet on October 20, 1983; and

WHEREAS, Linda H. Baker is Family Living Editor for the Daily Mountain Eagle has entertained and informed the citizens of Walker County; and

WHEREAS, Linda H. Baker distinguished herself as a student at Walker College and the University of Alabama in Birmingham; and

WHEREAS, she has devoted her time and efforts to several civic organizations including the Jasper Pilot Club, United Way and

the Walker County Health Council while actively pursuing her promising career; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Linda H. Baker on her distinguished journalistic career and express our sincere appreciation for her dedicated community service.

BE IT FURTHER RESOLVED, That a copy of this resolution shall be sent to Linda H. Baker that she may know of our sincere warm praise and highest regard.

Approved December 13, 1983

Time: 2:15 P.M.

Act No. 83-867

H.J.R. 39—Reps. Nicholson, Brakefield

HOUSE JOINT RESOLUTION

COMMENDING MADELYN GLASS HORSLEY ON BEING NAMED WOMAN OF THE YEAR.

WHEREAS, the Legislature of the State of Alabama has noted with pleased accord the naming of Madelyn Glass Horsley as the Woman of the Year by the Jasper Business and Professional Women's Club on the 20th day of October 1983; and

WHEREAS, Madelyn Glass Horsley began teaching as a math teacher for the Huntsville City School System, moved on to the Walker County School System where she has served well as a Special Education teacher, Assistant Principal and presently as Principal of the Parrish Elementary and Junior High School; and

WHEREAS, she has devoted her energies to the youth of Walker County and has worked tirelessly to ensure that the children of Walker County receive the education they need and deserve; and

WHEREAS, Madelyn Glass Horsley has further distinguished herself through her civic participation and work in her church while rearing three fine children, Jesse Michael (Butch) Glass, Cindy Glass Harper and Cathy Glass; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Madelyn Glass Horsley on her distinguished educational career and express our sincere appreciation for her dedicated service on behalf of the youth of Alabama and most particularly in Walker County.

BE IT FURTHER RESOLVED, That a copy of this resolution shall be sent to Madelyn Glass Horsley that she may know of our sincere warm praise and highest regard.

Approved December 13, 1983

Time: 2:15 P.M.

Act No. 83-868

H.J.R. 41—Reps. Brakefield, Nicholson

HOUSE JOINT RESOLUTION

RESOLUTION MOURNING THE DEATH OF HAROLD "SHUG" WILSON.

WHEREAS, the Alabama Legislature was deeply saddened to learn of the death of Mr. Harold "Shug" Wilson on Sunday, November 27, 1983, in Jasper, Alabama; and

WHEREAS, Mr. Wilson was a native and a life long resident of Walker County, a veteran of World War II, a member of the United Mine Workers of America, Local 7813 of Gorgas, a charter member of the Civil Service Board of the City of Jasper since 1965, and had formally served as the Chief of Police for the Jasper Police Department; and

WHEREAS, further he was involved deeply in other areas through active participation as a member of the Veterans of Foreign Wars, American Legion and as a Mason; and

WHEREAS, Mr. Wilson was a contributing citizen of great ability and of complete and unquestioned integrity, who will be sorely missed by his family, associates and many friends;

NOW THEREFORE,

Be it resolved by the Legislature of Alabama, both Houses thereof concurring that we do grievously mourn and deeply regret the death of Harold "Shug" Wilson and extend our sincere sympathy to his family.

Be it further resolved that a copy of this resolution be sent to his wife, Irene Weldon Sherer Wilson and his son, Harold Steven Wilson that they may know of our regret.

Approved December 13, 1983

Time: 2:20 P.M.

Act No. 83-869

H.J.R. 46—Reps. Rains, Coleman

HOUSE JOINT RESOLUTION

COMMENDING MR. AND MRS. LEONARD A. COLE ON THEIR 50TH WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the recent Golden Wedding Anniversary, November 12, 1983, of Mr. and Mrs. Leonard Arnold Cole of Albertville, Alabama; and

WHEREAS, in the sight of God, Leonard Cole and Elowea Allen were joined in wedlock on November 12, 1933, in Etowah County and these two fine people, forsaking all others, have remained in said Holy state for 50 years; and

WHEREAS, adhering to Biblical admonition, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their marriage vows, setting an example to be emulated by young couples who also pledge themselves to one another until parted by death; and

WHEREAS, Mr. and Mrs. Cole are the parents of five children, four sons and a daughter, and are the loving grandparents of twenty-two wonderful grandchildren and two fine great-grandchildren; and

WHEREAS, Mr. Cole, a retired Civil Service employee, and Mrs. Cole, a homemaker, are both longtime members of the Methodist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary couple of Albertville, Alabama, and wish them many more happy years together in their union blessed by God, and a marriage of Christian dedication and morality.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. and Mrs. Cole that they may know of our congratulations and warm best wishes.

Approved December 13, 1983

Time: 2:20 P.M.

Act No. 83-870

H.J.R. 47—Reps. Rains, Coleman, Bugg

HOUSE JOINT RESOLUTION

COMMENDING CARL TROTTER BROTHERS FOR HIS DEDICATION AND FAITHFUL SERVICE TO THE LORD.

WHEREAS, Carl Trotter Brothers has retired as clerk and treasurer of the Marshall Missionary Baptist Association after serving in that capacity for over twenty-six years; and

WHEREAS, he has also served as clerk-treasurer of the Pleasant Hill No. 1 Church where he has been a deacon for over fifteen years; and

WHEREAS, Carl Trotter Brothers inquiring and astute mind, coupled with keen perception and rare sense of values so necessary to his position, have made his services particularly valuable; and

WHEREAS, he is a man of integrity and dignity, loyal to his friends, devoted to his family and dedicated to his sense of duty and responsibility to the Lord as seen through his work in the Marshall Missionary Baptist Association and his church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend Carl Trotter Brothers upon his retiring after twenty-six years of serving as clerk and treasurer of the Marshall Missionary Baptist Association.

BE IT FURTHER RESOLVED, That this body does wish him continued happiness in his service to the Lord during such retirement.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Carl Trotter Brothers and his wife as an expression of our appreciation for his contribution to this State and in recognition of his long years of dedication and faithful service.

Approved December 13, 1983

Time: 2:20 P.M.

Act No. 83-871

H.J.R. 49—Reps. Moore, Tanner, Smith

HOUSE JOINT RESOLUTION

COMMENDING MISS SUSAN MELINDA HARDIN, SHELBY COUNTY'S 1983-84 JUNIOR MISS.

WHEREAS, the Alabama Legislature, in highest commendation, extends heartiest congratulations to Miss Susan Melinda Hardin on her selection as Shelby County's Junior Miss for 1983-84; and

WHEREAS, Miss Hardin, who won her crown from a field of 28

very lovely, and talented young ladies, also won the academic achievement award; she is the daughter of Mr. and Mrs. Nolan Lester Hardin and a student at Montevallo High School where she is an all-A honor student and is involved as well in numerous and varied activities; and

WHEREAS, her participation and memberships include the National Honor Society, Student Council, school newspaper, band, drama, Scholars Bowl Team; and a number of other academic teams, clubs and organizations; she is a Danforth Award Winner, Girls State Representative, Who's Who Among American High School Students and a Distinguished American High School Student; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Miss Susan Melinda Hardin upon her selection as Shelby County's 1983-84 Junior Miss; we further congratulate Miss Hardin on her numerous other accomplishments and direct that she receive a copy of this resolution, in token of praise and in expression of our sincere best wishes for her every future success.

Approved December 13, 1983

Time: 2:20 P.M.

Act No. 83-872

H.J.R. 50—Reps. Zoghby, Kvalheim,
Turner, Gaston, Box,
Buskey (James),
Kennedy, Marietta,
Clark (W.), Harper

HOUSE JOINT RESOLUTION

COMMENDING THE MURPHY HIGH SCHOOL FOOTBALL TEAM FOR ITS CHAMPIONSHIP SEASON.

WHEREAS, The Legislature of Alabama takes great pride in noting that the Murphy High School football team has become the 1983 Class 4A state champions; and

WHEREAS, Murphy, managing the cope with a continuous monsoon-like downpour, defeated Austin High School, 7-0, for its first ever Class 4A title; and

WHEREAS, the Murphy football team worked diligently, long and hard to achieve the outstanding record of 14 wins and no losses. The team ran, blocked, passed and tackled with spectacular ability; and

WHEREAS, Coach Larry Henderson and his assistant coaches are due much credit not only for the high degree of technical skill displayed in team play but also for the fine spirit and will to win which is necessary to a winning team; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the Murphy High School football team for winning the 1983 Class 4A State Championship and direct that copies of this resolution be sent to each member of the team as evidence of our high esteem and warmest personal regard.

Approved December 13, 1983

Time: 2:20 P.M.

Act No. 83-873

H.J.R. 59—Reps. White (L), Turnham, Starr, Smith, Hooper, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D.), Clark (J.), Clark (W.), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman,

Nicholson, Onderdonk,
 Parker, Payne, Penry,
 Perdue, Poole, Pratt,
 Preuitt, Rains, Reed, Rice,
 Richardson, Rogers, Sasser,
 Seibels, Spratt, Starkey,
 Tanner, Thomas,
 Trammell, Turner,
 Venable, Warren, White
 (F.), White (G.), Zoghby

HOUSE JOINT RESOLUTION

COMMENDING AUBURN UNIVERSITY ON WINNING THE SOUTHEASTERN CONFERENCE CHAMPIONSHIP.

WHEREAS, Auburn University's 23-20 win over the University of Alabama gave the Tigers an outstanding 10-1 season record and the Southeastern Conference Title; and

WHEREAS, ranked number three, nationally, the Tigers' next foe will be the Michigan Wolverines when the two powerhouses meet in the famed Sugar Bowl in New Orleans; and

WHEREAS, the Alabama Legislature is indeed proud, as is all Alabama, of our own Auburn Tigers who have claimed the SEC title and who will represent both our State and college football at its finest in the forthcoming Sugar Bowl classic; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate and commend Coach Pat Dye and his Auburn University Tigers on their capture of the Southeastern Conference Championship; we further join in an enthusiastic "War Eagle" as we wish them every success against Michigan, and direct that copies of this resolution be forwarded to both Coach Dye and to Auburn University in token of our sincerest warm praise and regard.

Approved December 13, 1983

Time: 2:20 P.M.

Act No. 83-874

H.J.R. 60—Reps. Penry, McMillan

HOUSE JOINT RESOLUTION

HONORING DR. HUBERT BEVERLY SHEPHERD AS A REPRESENTATIVE TO THE ANIMO CRUSADE IN NIGERIA.

WHEREAS, Dr. Hubert Beverly Shepherd was chosen to at-

tend the Animo Crusade held November 20-27, 1983, in Nigeria; and

WHEREAS, Dr. Shepherd was educated in the public schools of Georgia, attended New Orleans Baptist Theological Seminary and received his D.D. Degree from Mobile College; and has pastored churches in Georgia, Louisiana and Alabama, has retired after serving from June 1959 to October 1982 at the First Baptist Church, Fairhope, Alabama; and

WHEREAS, Dr. Shepherd served as president of the Alabama Baptist Pastor's Conference in 1961 and 1962; and has held the following positions with the Alabama Baptist State Convention: 1st vice president; member, Administration Committee; member, Executive Board; chairman and member, Committee on Boards and Commissions; member, Board of Aid for Students in Church Vocations; and member, World Hunger and Relief Committee; and

WHEREAS, Dr. Shepherd has served in the educational field of Alabama as a teacher at Howard College Extension Center, Opp, Alabama; Director, Howard College extension at Greenville; and as a member of the Board of Governors at Judson College; and

WHEREAS, in addition to his many involvements in educational and religious activities, many civic organizations and community affairs have benefited greatly from his participation, including Baldwin Youth Services; Board of Trustees, Fairhope Public Library; health care centers, nursing homes, hospitals and the Alabama Citizens Action Program; and

WHEREAS, Dr. Hubert Beverly Shepherd is married to the former Sarah King of Blakely, Georgia, and they are the parents of two sons and two daughters and the proud grandparents of eleven grandchildren; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby congratulate Dr. Shepherd for his representation of the United States and the State of Alabama by his participation in the Animo Crusade in Nigeria, and

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Dr. Shepherd as a mere token of our warm praise and esteem.

Approved December 13, 1983

Time: 2:20 P.M.

HOUSE JOINT RESOLUTION

COMMENDING MR. AND MRS. L. C. WINDSOR ON THEIR 50TH WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the Golden Wedding Anniversary, August 2, 1983, of Mr. and Mrs. L. C. Windsor of Boaz, Alabama; and

WHEREAS, in the sight of God, Luther Calvin Windsor and Vesta Smith were joined in wedlock on August 2, 1933, in DeKalb County and these two fine people, forsaking all others, have remained in said Holy state for 50 years; and

WHEREAS, adhering to Biblical admonition, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their marriage vows, setting an example to be emulated by young couples who also pledge themselves to one another until parted by death, and

WHEREAS, Mr. and Mrs. Windsor are the parents of five children and are the loving grandparents of ten wonderful grandchildren and five great-grandchildren; and

WHEREAS, both Mr. and Mrs. Windsor have been members of the Baptist Church for more than 50 years and are now members of Kilpatrick Baptist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary couple of Boaz, Alabama, and wish them many more happy years together in their union blessed by God, and a marriage of Christian dedication and morality.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. and Mrs. Windsor that they may know of our congratulations and warm best wishes.

Approved December 13, 1983

Time: 2:20 P.M.

Act No. 83-876

H.J.R. 62—Reps. Rains, Moore

HOUSE JOINT RESOLUTION

COMMENDING MR. AND MRS. LUTHER EDGAR BETHUNE ON THEIR 53RD WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the

53rd Wedding Anniversary, May 25, 1983, of Mr. and Mrs. L. E. (Luke) Bethune of Leeds, Alabama; and

WHEREAS, in the sight of God, Luther Edgar Bethune and Lillian Stephen Johnson were joined in wedlock on May 25, 1930, in Jackson County, Alabama, and these two fine people, forsaking all others, have remained in said Holy state for 53 years; and

WHEREAS, adhering to Biblical admonition, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their marriage vows, setting an example to be emulated by young couples who also pledge themselves to one another until parted by death; and

WHEREAS, Mr. and Mrs. Bethune are the parents of three children and are the loving grandparents of eleven wonderful grandchildren; and

WHEREAS, both Mr. and Mrs. Bethune have been members of the Baptist Church for more than 50 years, currently of Tenbroeck Baptist Church where Mrs. Johnson continues, as always, in a leadership role; her hobbies include needlework, cooking and homemaking in general while Mr. Johnson's interest is basketball, a sport he played for 27 years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary couple of Leeds, Alabama, and wish them many more happy years together in their union blessed by God, and a marriage of Christian dedication and morality.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. and Mrs. Bethune that they may know of our congratulations and warm best wishes.

Approved December 13, 1983

Time: 2:20 P.M.

Act No. 83-877

H.J.R. 63—Reps. Rains, Burke

HOUSE JOINT RESOLUTION

COMMENDING MR. AND MRS. LEE ROY JOHNSON ON THEIR 40TH WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the 40th Wedding Anniversary, July 18, 1983, of Mr. and Mrs. Lee Roy Johnson of Fyffe, Alabama; and

WHEREAS, in the sight of God, Lee Roy Johnson and Wanda Wigington were joined in wedlock on July 18, 1943, at Fyffe, Alabama, in DeKalb County and these two fine people, forsaking all others, have remained in said Holy state for 40 years; and

WHEREAS, adhering to Biblical admonition, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their marriage vows, setting an example to be emulated by young couples who also pledge themselves to one another until parted by death; and

WHEREAS, Mr. and Mrs. Johnson are the parents of four children and are the loving grandparents of three wonderful grandchildren; and

WHEREAS, both Mr. and Mrs. Johnson have been members of the Baptist Church for more than 40 years and are currently active in numerous areas of service at Fyffe First Baptist Church, and are active also in a number of other of their community's affairs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary couple of Fyffe, Alabama, and wish them many more happy years together in their union blessed by God, and a marriage of Christian dedication and morality.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. and Mrs. Johnson that they may know of our congratulations and warm best wishes.

Approved December 13, 1983

Time: 2:20 P.M.

Act No. 83-878

H.J.R. 64—Rep. Laird

HOUSE JOINT RESOLUTION

COMMENDING THE WOODLAND HIGH SCHOOL "BOB-CATS" FOOTBALL TEAM FOR ITS OUTSTANDING SEASON.

WHEREAS, the Woodland Bobcats football team completed a most successful season by posting an outstanding 8-2 record; and

WHEREAS, this fine regular season record enabled the Bobcats to participate in the state Class 1A play-offs where they defeated Talladega County Training School before being eliminated by a fine team from Collinsville and thereby finishing 9-3 overall; and

WHEREAS, Head Coach Max Yarbrough and his able staff of assistants worked long and hard to turn the Woodland program toward the winning tradition and are due much credit for the class and courage displayed by this team throughout the season; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend the 1983 Woodland Bobcats football team for its outstanding season.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the principal Gerald McCord, head Coach Max Yarbrough, his assistant coaches and each team member.

Approved December 13, 1983

Time: 2:20 P.M.

Act No. 83-879

H.J.R. 65—Rep. Laird

HOUSE JOINT RESOLUTION

COMMENDING THE HANDLEY HIGH SCHOOL TIGERS FOOTBALL TEAM FOR ITS OUTSTANDING SEASON.

WHEREAS, the Handley High School Tigers football team posted an outstanding regular season record of 9-1; and

WHEREAS, the 1983 Tigers advanced to the state class 2A playoffs where they defeated Hopeville High and Montevallo High before finally being eliminated by Cottonwood and thus finishing with a fine overall record of 11-2; and

WHEREAS, Head Coach Bill Ragle and his able staff of assistants are due much credit not only for the sharp execution which this team displayed throughout the season but also for its class and courage; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend the 1983 Handley High School Tigers football team for its outstanding season.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the principal, Thomas Turner, head coach Bill Ragle and his assistants and each team member.

Approved December 13, 1983

Time: 2:20 P.M.

Act No. 83-880

H.J.R. 66—Rep. Laird

HOUSE JOINT RESOLUTION

COMMENDING RONALD D. HYCHE, AN OUTSTANDING BAND AND MUSIC TEACHER.

WHEREAS, Mr. Ronald D. Hyche, in 1964, was employed by the Roanoke City Board of Education and is presently band and music teacher at the Handley High School; and

WHEREAS, Mr. Hyche's band program has been consistently recognized as superior in marching festivals in Knoxville, Tennessee (Dogwood Arts Festivals), Newnan, Georgia (Old South Marching Festivals), Gadsden, Alabama, Homewood, Alabama, St. Petersburg, Florida, and Oxford, Alabama; and

WHEREAS, Mr. Hyche's band program has been consistently recognized as superior in regards to the concert band and the concert band has performed in numerous places including Knoxville, Tennessee; and

WHEREAS, Mr. Hyche has succeeded in having many of his students selected as "All-State" bandmen; and

WHEREAS, he is an invaluable member of the Handley High School faculty and has contributed immeasurably to all activities of the school's programs; and

WHEREAS, Mr. Hyche's ability to work with parents has resulted in an outstanding public relations program in which the Band Boosters have provided the necessary funds for the operation of the band's programs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Ronald D. Hyche, as an outstanding band and music teacher and hereby gratefully acknowledge his many valuable contributions to the students of Handley High School.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Ronald D. Hyche, that he may know of our high esteem and regard.

Approved December 13, 1983

Time: 2:20 P.M.

Bachus, Beers, Biddle, Black,
 Blake, Blakeney, Boles,
 Bowling, Box, Brakefield,
 Britnell, Brooks, Browder,
 Bryant, Bugg, Burke, Buskey
 (James), Buskey (John),
 Butler, Campbell, Carothers,
 Carter, Clark (D.), Clark (J.),
 Clark (W.), Coburn, Coleman,
 Cosby, Crow, Davis, Drake,
 Dutton, Faulk, Flowers, Ford,
 Fuller, Gaston, Goodwin,
 Gray, Grayson, Grimsley,
 Grouby, Hall, Hammett,
 Harper, Harvey, Hettinger,
 Holley, Holmes, Hooper,
 Horn, Johnson (R.G.),
 Johnson (Roy), Junkins,
 Kennedy, Kvalheim, Laird,
 Lauderdale, Lindsey,
 McDowell, McKee, McMillan,
 McNair, Marietta, Martin,
 Mathis, Melton, Mikell,
 Mitchell, Moore, Newman,
 Nicholson, Onderdonk, Parker,
 Payne, Penry, Perdue, Poole,
 Pratt, Preuitt, Rains, Reed,
 Rice, Richardson, Rogers,
 Sasser, Seibels, Smith, Spratt,
 Starkey, Starr, Tanner,
 Thomas, Trammell, Turner,
 Turnham, Venable, Warren,
 White (F.), White (G.), White
 (L), Zoghby

HOUSE JOINT RESOLUTION

COMMENDING REPRESENTATIVE ASBURY HOWARD
 FOR NOTABLE LEGISLATIVE AND HUMANITARIAN
 SERVICE.

WHEREAS, State Representative Asbury Howard has long served his community, city, state and nation with dignity, in pride and with unselfish love for all mankind; and

WHEREAS, Representative Asbury Howard is a man of great conviction and humility; he is one who has seen wrong and tried to right it, has seen the helpless and tried to help, and has seen the

hopeless and tried to restore hope; and

WHEREAS, Mr. Howard dedicated the youth of his years to the struggle for equality for all men, while carrying the message, "I am my brother's keeper regardless of his race, creed or color"; and

WHEREAS, State Representative Asbury Howard, a man of great courage and just principle, served the Alabama Legislature both long and well, always with honor and with utmost respect for his office; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and express warmest regard for State Representative Asbury Howard.

BE IT FURTHER RESOLVED, That Mr. Howard receive a copy of this resolution which we offer in affection and personal friendship, and in admiration of the exceptional achievement of an extraordinary man.

Approved December 13, 1983

Time: 2:20 P.M.

Act No. 83-882

H.J.R. 68—Reps. Escott, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D.), Clark (J.), Clark (W.), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin,

Mathis, Melton, Mikell,
Mitchell, Moore, Newman,
Nicholson, Onderdonk, Parker,
Payne, Penry, Perdue, Poole,
Pratt, Preuitt, Rains, Reed,
Rice, Richardson, Rogers,
Sasser, Seibels, Smith, Spratt,
Starkey, Starr, Tanner,
Thomas, Trammell, Turner,
Turnham, Venable, Warren,
White (F.), White (G.), White
(L), Zoghby

HOUSE JOINT RESOLUTION

COMMENDING DR. C. HOWARD NEVETT FOR DISTINGUISHED RELIGIOUS AND COMMUNITY SERVICE.

WHEREAS, State Representative C. Howard Nevett has served his community, church and state with dignity and in sincere concern for all mankind; and

WHEREAS, in so serving his community, in legislative capacity and as minister and pastor, Dr. Nevett has truly nurtured both the spiritual and physical souls of his fellowman; and

WHEREAS, State Representative C. Howard Nevett, as a champion for human rights, senior citizens' rights and the rights of the very young, instituted church programs to feed the elderly and educate the youth of his community; and

WHEREAS, he has given of his time, talents and personal resources to be a light for the lost and to aid and befriend the friendless; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in deep friendship and regard, we herein express utmost commendation of Dr. C. Howard Nevett for extraordinary and distinguished religious and community service.

BE IT FURTHER RESOLVED, That Dr. Nevett receive a copy of this resolution which we tender in warm, personal praise and esteem.

Approved December 13, 1983

Time: 2:20 P.M.

Act No. 83-883

H.J.R. 72—Rep. Rogers

HOUSE JOINT RESOLUTION

COMMENDING DR. JOHN P. ANDERSON OF BIRMINGHAM, ALABAMA.

WHEREAS, with great pleasure, the Alabama Legislature notes that John P. Anderson has served ably as Dean and Director of UAB Special Studies from 1974 to the present; and

WHEREAS, he has devoted himself to the ideals of continuing education and of public service to the Birmingham community; and

WHEREAS, he has held the rank of Professor of Civil Engineering at UAB and Professor of Mathematics at UAB and has twice earned the Outstanding Teacher Award at UAB; and

WHEREAS, he shall assume, effective January 1, 1984, the position of Vice-President for Administration and Planning at Wake Forest University in Winston-Salem, North Carolina; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are pleased to note and are grateful for the outstanding contributions to higher education of the State of Alabama which have been made by John P. Anderson.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Dr. Anderson and his family, and to officials at the University of Alabama in Birmingham.

Approved December 13, 1983

Time: 2:20 P.M.

Act No. 83-884

H.J.R. 73—Rep. Rogers

HOUSE JOINT RESOLUTION

COMMENDING MR. CHARLES A. MAJORI.

WHEREAS, with great pleasure, the Alabama Legislature notes that Charles A. Majori has served as an able citizen of his community for seventy-two years, as of October 2, 1983; and

WHEREAS, he has devoted himself during these past years to farming and public service; and

WHEREAS, he has encouraged the ideals of higher education to his family; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are pleased to note and are grateful for Charles A. Majori's loyalty and respect for our government and for the Governor of Alabama, The Honorable George C. Wallace.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Mr. Majori in evidence of our sincere praise and regard.

Approved December 13, 1983

Time: 2:20 P.M.

Act No. 83-885

H.J.R. 79—Reps. Venable, Mikell

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF JUDGE WILLIAM MACON COUSINS, ELMORE COUNTY, ALABAMA.

WHEREAS, the Alabama Legislature notes with deep regret the death of Judge William Macon Cousins, former Probate Judge of Elmore County, and resident of Wetumpka, Alabama; and

WHEREAS, the political career of Judge William Cousins in Elmore County spanned some thirty years of dedicated service to the people of Elmore County; and

WHEREAS, Judge William Cousins, a farmer and dairyman, was keenly interested in people and reflected his concern for their problems by serving them with honesty, integrity and fairness through his various offices; and

WHEREAS, Judge William Cousins, began his county service, as Circuit Clerk for Elmore County, which was interrupted by his military service with the artillery overseas, and in 1943 he was re-elected as Circuit Clerk with one of the highest number of votes of any elected Elmore County official; and

WHEREAS, Judge William Cousins was elected to two terms as Tax Collector and from 1958 until 1970 he served with distinction as Judge of Probate of Elmore County and was noted for his compassion and understanding in administering his duties; and

WHEREAS, Judge William Cousins earned the love and respect of his fellow Elmore Countians and these were returned by him to them; he was a friend to all, no matter what walk in life, and touched the lives of untold numbers by his unpretentious and modest manner, his graciousness and his philanthropic deeds; and

WHEREAS, Judge William Cousins was instrumental in and responsible for acquiring the land to build the J.S. Tarwater Developmental Center in Wetumpka; he served as a member of the Board of Directors of the Coosa-Elmore Community Action Committee and he was a member of the First Baptist Church of Wetumpka; and

WHEREAS, with all of his long and successful political career and accomplishments Judge William Macon Cousins remained just "Willie" Cousins; now therefore,

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That we do mourn the death of Judge William Macon Cousins who gave so lovingly and generously his time, talents and energies to his fellow Elmore Countians and we do convey our great sympathy and compassion to the family of Judge Cousins.

BE IT FURTHER RESOLVED, That we do express our tenderest sympathies to his wife, Carolyn Johnson Cousins, and to his son, Dr. Samuel Cousins, and copies of this resolution shall be sent them so that they may know of our deep sympathy in their great loss.

Approved December 13, 1983

Time: 2:25 P.M.

Act No. 83-886

H.J.R. 83—Reps. Mitchell, Poole, Johnson
(Roy)

HOUSE JOINT RESOLUTION

CONGRATULATING MRS. MARY CELESTE ROSE MAXWELL OF MAXWELL CROSSING COMMUNITY IN TUSCALOOSA COUNTY, ON THE OCCASION OF HER 100TH BIRTHDAY.

WHEREAS, the Legislature of Alabama notes with pleasure the forthcoming 100th birthday on December 21, 1983, of Mrs. Mary Celeste Rose Maxwell of the Maxwell Crossing Community in Tuscaloosa County; and

WHEREAS, born December 21, 1883, to David Crawford and Nannie Lyons Rose in Vermillion Parrish, Louisiana, Mrs. Maxwell is the widow of the late Farley Maxwell; and

WHEREAS, Mrs. Maxwell is a prominent and beloved member of her community, and her 100th birthday is indeed an occasion of great joy for her many friends and neighbors; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with the many friends of Mrs. Mary Celeste Rose Maxwell in extending heartiest congratulations on her 100th birthday and direct that she receive a copy of this resolution in token of our sincere regard and warm best wishes for many more years of good health and happiness.

Approved December 13, 1983

Time: 2:25 P.M.

Act No. 83-887

H.J.R. 84—Reps. Mitchell, Johnson (Roy),
Poole

HOUSE JOINT RESOLUTION

COMMENDING THE HONORABLE AARON WALDROP OF TUSCALOOSA, ALABAMA.

WHEREAS, the Honorable Aaron Waldrop of the City and County of Tuscaloosa, Alabama, has served with honor and distinction for many years as President of the Tuscaloosa Central Labor Council; and

WHEREAS, during these years, Mr. Waldrop has on many occasions visited with the Legislature and has effectively represented his Council before the committees of the House and Senate; and

WHEREAS, Mr. Waldrop has let it be known that he will not seek re-election as Council President and his smiling face and winsome personality will be missed by all who knew him; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we sincerely wish for Mr. Waldrop the best of everything and extend our congratulations to him upon his completion of many years as President of the Tuscaloosa Central Labor Council.

Approved December 13, 1983

Time: 2:25 P.M.

Act No. 83-888

S. 1—Senator Teague

AN ACT

Negating a land patent erroneously given to the University of South Alabama by the State of Alabama purporting to convey a portion of Mobile Bay and declaring

that title to such property is vested in the State of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That certain deed of conveyance, quit claim, land patent, or otherwise dated December 13, 1982, and recorded, Land Patents, Volume 10, page 889, in the Office of the Secretary of State, purporting to grant title of the following described property to the University of South Alabama and any other subsequent related action or actions are hereby declared null, void, of no force or effect.

Section 2. The following property is hereby declared to be owned by the State of Alabama:

Beginning at Alabama West Zone Coordinates Y=118,606.82; X=296,291.22 which point is on or near the intersection of the North line of Section 26, Township 8 South, Range 2 West and the East shore line of Heron Bay, thence run North 77 degrees—54 minutes—52 seconds West a distance of 3,883.84 feet to a point on the South shore line of Mon Louis Island, (Y=119,419.98; X=292,493.47), thence run due South a distance of 20,071.04 feet to coordinates Y=99,348.94; X=292,493.47 which point is in the Mississippi Sound, thence run North 79 degrees—40 minutes—28 seconds East a distance of 7,805.85 feet to coordinates Y=100,748.05; X=300,172.90 which point is in the Mississippi Sound, thence run North 26 degrees—35 minutes—34 seconds East a distance of 4,273.18 feet to coordinates Y=104,569.17; X=302,085.78 which point is on the center line of Dauphin Island Bridge (Alabama Highway No. 163) at station 106+53.04, thence run South 67 degrees—50 minutes—12 seconds East a distance of 2,358.05 feet to point No. L-D-3 as shown on the plat of Harbor Lines, Dauphin Island and Little Dauphin Island as recorded in Real Property Book 617, Page 610, in the Office of the Judge of Probate of Mobile County, Alabama, thence run South 53 degrees—14 minutes—12 seconds East along the Harbor Line of Little Dauphin Island a distance of 12,522.99 feet to coordinates Y=96,184.54; X=314,302.02 which point is in Mobile Bay, thence run due North a distance of 8,815.46 feet to coordinates Y=105,000.00; X=314,302.02 which point is in Mobile Bay, thence run due West a distance of 7,151.01 feet to coordinates Y=105,000.00; X=307,151.01 which point is in Mobile Bay, thence run due North a distance of 15,000.00 feet to coordinates Y=120,000.00; X=307,151.01, which point is in Mobile Bay, thence run due East a distance of 834.76 feet to coordinates Y=120,000.00; X=307,985.77, which point is in Mobile Bay, thence run due North a distance of 5,945.61 feet to coordinates Y=125,945.61; X=307,985.77, which point is in Mobile Bay, thence run due West a distance of 4,646.75 feet to a point on the West shore line of Mobile Bay and the East

shore line of Mon Louis Island (Y=125,945.61; X=303,339.02) thence run Southwestwardly along meanders of said East shore line of Mon Louis Island to coordinates Y=120,000.00; X=300,000.00 (chord bears South 29 degrees—19 minutes—06 seconds West a distance of 6,819.04 feet) thence continue Southwestwardly along the meanders of the East shore line of Mon Louis Island to coordinates Y=113,374.12; X=298,664.12, which point is on station 11+69 more or less on the Northwest corner of Dauphin Island Bridge at Cedar Point (Alabama Highway No. 163)(chord bears South 11 degrees—23 minutes—56 seconds West a distance of 6,759.21 feet) thence run Northwestwardly along the meanders of the West shore line of Cedar Point (Mon Louis Island) to coordinates Y=116,364.22; X=296,862.69 (chord bears North 31 degrees—04 minutes—03 seconds West a distance of 3,490.82 feet) thence continue Northwestwardly along the meanders of said Cedar Point (Mon Louis Island) to the point of beginning (Y=118,606.82; X=296,291.22) (chord bears North 14 degrees—17 minutes—45 seconds West a distance of 2,314.27 feet) containing 7,664 acres more or less.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved December 16, 1983

Time: 5:00 P.M.

Act No. 83-889

H. 26—Reps. Coburn, Johnson (Roy),
Holley, Moore

AN ACT

To amend Code of Alabama 1975, Sections 40-20-1, 40-20-2, and 40-20-8, so as to provide for a definition of "submerged lands", "offshore drilling or production facilities" and "offshore production" of oil or gas; provide a six percent privilege tax on offshore production of oil or gas; provide for the allocation and distribution of net taxes collected; provide a percent privilege tax on all wells, other than offshore, that produce 25 barrels or less of oil per day or 200,000 cubic feet or less of gas per day; to repeal conflicting laws; provide certain taxing limits on local government entities; and provide for an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-20-1, Code of Alabama 1975, is hereby amended to read as follows:

“Section 40-20-1.

For the purpose of this article, the following terms shall have the respective meanings ascribed by this section:

(1) **DEPARTMENT.** The state department of revenue.

(2) **ANNUAL.** The calendar year or the taxpayer's fiscal year, when permission is obtained from the department to use a fiscal year as a tax period in lieu of a calendar year.

(3) **VALUE.** The sale price or market value at the mouth of the well. If the oil or gas is exchanged for something other than cash, if there is no sale at the time of severance or if the relation between the buyer and the seller is such that the consideration paid, if any, is not indicative of the true value or market price, then the department shall determine the value of the oil or gas subject to the tax hereinafter provided for, considering the sale price for cash or oil or gas of like quality.

(4) **OIL.** Crude petroleum oil and other hydrocarbons regardless of gravity which are produced at the well in liquid form by ordinary production methods and which are not the result of condensation of gas after it leaves the well.

(5) **GAS.** All natural gas, including casinghead gas, and all other hydrocarbons not defined as oil in subdivision (4) above.

(6) **SEVERED.** The extraction or withdrawing from the soil or water or from below the surface of the soil or water of any oil or gas, whether such extraction or withdrawal shall be by natural flow, mechanically enforced flow, pumping or any other means employed to get the oil or gas from the soil or water or from below the surface of the soil or water.

(7) **PERSON.** Any natural person, firm, copartnership, joint venture, association, corporation, estate, trust and any other group or combination acting as a unit, and the plural as well as the singular number.

(8) **PRODUCER.** Any person engaging or continuing in the business of oil or gas production, which, for the purpose of this article, includes the owning, controlling, managing, or leasing of any oil or gas property or oil or gas well, and producing in any manner any oil or gas by taking it from the soil or waters, or from beneath the soil or waters, of the state of Alabama, and further includes receiving money or other valuable consideration as royalty or rental for oil or gas produced or because of oil or gas produced, whether produced by him or by some other person on his behalf, either by lease, contract or otherwise, and whether the royalty consists of a portion of the oil or gas produced being run to his account or a payment in

money or other valuable consideration.

(9) **SUBMERGED LANDS.** All lands within the territorial jurisdiction of the State of Alabama that are continuously or intermittently covered by marine or marine influenced waters and are below the mean high tide mark on all islands and land adjacent to the Mississippi Sound, Mobile Bay, Bon Secour Bay, Wolf Bay, Ar-nica Bay, Bay La Launch and Perdido Bay; and excludes all areas upstream of the confluence of the Mississippi Sound, Mobile Bay, Wolf Bay and Perdido Bay with their natural tributaries.

(10) **OFFSHORE DRILLING OR PRODUCTION FACILITIES.** Barges, platforms or other drilling or production facilities located on submerged lands to drill or to produce oil or gas.

(11) **OFFSHORE PRODUCTION.** Gas or oil produced from offshore drilling or production facilities from wells located on submerged lands within the territorial jurisdiction of the state of Alabama."

Section 2. Section 40-20-2, Code of Alabama 1975, is hereby amended to read as follows:

"Section 40-20-2.

(a) There is hereby levied, to be collected hereafter, as herein provided, annual privilege taxes upon every person engaging or continuing to engage within the state of Alabama in the business of producing or severing oil or gas, as defined herein, from the soil or the waters, or from beneath the soil or the waters, of the state for sale, transport, storage, profit or for use. The amount of such tax shall be measured at the rate of eight percent of the gross value of said oil or gas at the point of production except as provided herein. All wells producing 25 barrels or less of oil per day or producing 200,000 cubic feet or less of gas per day shall be taxed at the rate of four percent of gross value of said oil or gas at the point of production; and all oil or gas produced by offshore production, as defined herein, at depths greater than 18,000 feet below mean sea level, shall be taxed at the rate of six percent of gross value of said oil or gas production at the point of production.

(b) The tax is hereby levied upon the basis of the entire production in this state, including what is known as the royalty interest, on which production the amount of such tax shall be alien, regardless of the place of sale or to whom sold, or by whom used, or the fact that the delivery may be made to points outside the state; and the tax shall accrue at the time such oil or gas is severed from the soil or the waters, or from beneath the soil or the waters, and in its natural, unrefined or unmanufactured condition.

(c) A county, city, town or municipality of the state of Alabama shall not establish, levy, impose or collect, as a condition of doing business or otherwise, any tax, fee, license or charge whatsoever, directly or indirectly, on or with respect to the production, treating, processing, ownership, sale, storage, purchase, marketing or transportation on any oil or gas produced in the state of Alabama and on which severance taxes have been paid to the state of Alabama, or upon the business of producing, treating, processing, owning, selling, buying, storing, marketing or transporting such oil or gas, or upon the ownership, operation or maintenance of plants, facilities, machinery, pipelines, gathering lines or any equipment whatsoever, which are, or may be, necessary or convenient to the production, treating, processing, ownership, storage, sale, purchase, marketing or transportation of such oil or gas; provided, that nothing herein shall be construed to prohibit, limit or restrict a county, city, town or municipality from imposing and collecting ad valorem taxes on any property, real or personal, not otherwise now exempted by law; further, the limitation herein imposed upon counties, cities, towns and municipalities shall not apply to any county, city, town or municipality which does not receive a share of the severance tax levied upon production other than offshore production as defined in Section 40-20-1 under the provisions of this article. Said limitation herein imposed upon counties, cities, towns and municipalities shall remain in full force and effect in regard to offshore production as defined in Section 40-20-1.

(d) Nothing contained herein shall be deemed to limit or to enlarge the authority of a county, city, town or municipality to levy taxes or licenses on oil refining facilities located therein or on the suppliers of services or goods not including oil or gas to those persons engaging in the business of producing, treating, processing, owning, selling, buying, storing, marketing or transporting such oil or gas. Provided, however, no such taxes or licenses shall be levied on offshore drilling or production facilities as defined in Section 40-20-1.

(e) In all cases of production of oil from unit operations as authorized and approved by the state oil and gas board of Alabama, for purposes of computing the per well production aforesaid, the aggregate production of oil from the entire unit shall be divided by the number of wells within the unit, including injection, disposal and other wells utilized in unit operations, and the quotient thereof shall be deemed and declared to be the number of barrels of oil produced from each well in such unit regardless of the actual amount of oil per day produced from the well, if any."

Section 3. Section 40-20-8, Code of Alabama 1975, is hereby amended to read as follows:

“Section 40-20-8.

(a) Ninety percent of the net amount of all taxes herein levied on oil or gas from offshore production as herein defined shall be collected by the department and deposited to the state general fund. The remaining ten percent of such net amount shall be allocated and distributed by the Comptroller to the county in which the oil or gas was produced for county purposes or to be expended at the discretion of the county governing body.

(b) Twenty-five percent of the net amount of all taxes herein levied and collected by the department except as provided herein in subsection (a) shall be deposited by the department to the general fund of the state.

(c) Sixty-six and two-thirds percent of the remaining seventy-five percent of all taxes herein levied and collected by the department, after the same has been certified into the state treasury, shall be allocated and distributed by the comptroller to the credit of the general fund of the state and to the county in which the oil or gas was produced and to the municipalities therein in the proportion set out in the following schedule:

(1) Twenty-five percent of all taxes herein levied and collected on oil and gas produced from oil or gas wells located within any county, shall be allocated and distributed to each such county for county purposes or to be expended at the discretion of the county governing body. In all counties having a population of not less than 34,875 nor more than 36,000, according to the 1970 federal decennial census, such funds shall be allocated and distributed by the counties to the boards of education of the public schools in such counties on a pro rata basis as established by the number of children in net enrollment in the public schools during the prior school attendance year. In all counties having a population of not less than 16,000 nor more than 16,250, according to the 1970 federal decennial census, such funds shall be allocated and distributed by the counties as follows: Each year the first \$150,000.00 shall be paid to the custodian of the county school funds, and after the payment of said \$150,000.00 each year, the balance of said funds shall be divided and paid one-third to the custodian of the county school funds and two-thirds to the custodial of the county general funds.

(2) Ten percent of all taxes herein levied and collected on oil and gas produced from oil or gas wells located within the corporate limits or the police jurisdiction of any municipality shall be allocated and distributed to each such municipality.

(3) Fifty percent of the first \$150,000.00 remaining, or any part thereof, collected per year under the provisions of this article,

shall be allocated and distributed to the state, 42½ percent to the county and seven and one-half percent to municipalities therein on a population basis.

(4) Eighty-four percent of all remaining sums collected per year under the provisions of this article shall be allocated and distributed to the state, 14 percent to the county and two percent to municipalities therein on a population basis.

(d) Sixteen and two-thirds percent of the remaining seventy-five percent of all taxes herein levied and collected by the department shall be certified into the state treasury to the credit of the state general fund.

(e) Sixteen and two-thirds percent of the remaining seventy-five percent of all taxes herein levied and collected by the department on oil and gas produced from oil or gas wells located within any county shall be allocated and distributed to each such county for county purposes, to be expended at the discretion of the county governing body."

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective the first of the month following the month in which it is approved by the governor.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-890

H. 3—Reps. Biddle, Carothers, Flowers,
Pratt, White (L.), Johnson
(R.G.), Mikell, Butler

AN ACT

To state the legislative intent; to amend § 2-20-54, Code of Alabama, 1975 by further defining the excessive dispensing of controlled substances to include the ordering, prescribing, dispensing, administering, supplying, or otherwise distributing of any amphetamine and or amphetamine like anorectic drug or compound and or any sympathomimetic amine drug or compound thereof and/or any non-narcotic stimulant drug which drugs are classified under Schedule II of the Alabama Uniform Controlled Substances Act, § 20-2-24, Code of Alabama, 1975, to any person except for the therapeutic treatment of narcolepsy, hyperkinesis, brain dysfunction, epilepsy, depression or for the clinical investigation of the effects of such drugs or compounds; to provide for the documentation of the utilization of such drugs or compounds; to provide that such drugs or compounds shall not be dispensed or prescribed for the

treatment or control of exogenous obesity; to amend § 34-24-360, Code of Alabama, 1975 to further prescribe that a physician licensed to practice in Alabama is guilty of unprofessional conduct if that physician orders, prescribes, dispenses, administers, supplies or otherwise distributes any amphetamines and/or amphetamine like anorectic drug and/or sympathomimetic amine drug or compound thereof and/or any non-narcotic stimulant drug, which drugs are classified under Schedule II of the Alabama Uniform Controlled Substances Act, § 20-2-24, Code of Alabama, 1975 to any person except for the therapeutic treatment of narcolepsy, hyperkinesis, brain dysfunction, epilepsy or depression or for the clinical investigation of the effects of such drugs or compounds; to provide for documentation of the utilization of such drugs or compounds; to provide that such drugs or compounds shall not be dispensed or prescribed for the treatment or control of exogenous obesity; to provide that the certifying boards under the Alabama Uniform Controlled Substances Act and the State Board of Medical Examiners and the Medical Licensure Commission are empowered to enact rules and regulations to implement the provisions of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. That it is the intent of the legislature to take cognizance of the fact that significant amounts of amphetamines and amphetamine like stimulant drugs, classified under Schedule II of the Alabama Uniform Controlled Substances Act, are each year being diverted to illegal use and that such diversion contributes substantially to the problems of illegal drug trafficking in the State of Alabama; further that it is the legislative intent that the utilization of amphetamines and amphetamine like drugs and compounds, including sympathomimetic amine drugs or compounds thereof, and other Schedule II non-narcotic stimulant drugs should be limited to the treatment of those conditions where the safety and effectiveness of the drugs has been clearly demonstrated.

Section 2. That § 20-2-54, Code of Alabama, 1975, be and the same is hereby amended to read as follows:

(a) A registration under section 20-2-52 to manufacture, distribute or dispense a controlled substance may be suspended or revoked by the certifying boards upon a finding that the registrant:

(1) Has furnished false or fraudulent material information in any application filed under this article:

(2) Has been convicted of a crime under any state or federal law relating to any controlled substance;

(3) Has had his federal registration suspended or revoked to manufacture, distribute or dispense controlled substances;

(4) Has violated the provisions of chapter 23 of Title 34 of this Code; or

(5) Has, in the opinion of the certifying board, excessively dispensed controlled substances for any of his patients.

a. A registrant may be considered to have excessively dis-

pensed controlled substances if his certifying board finds that either the controlled substances were dispensed for no legitimate medical purpose, or that the amount of controlled substances dispensed by the registrant is not reasonably related to the proper medical management of his patient's illnesses or conditions. Drug addiction shall be not considered an illness or condition which would justify continued dispensing of controlled substances, except in gradually decreasing dosages administered to the patient for the purpose of curing the addiction.

b. A registrant who is a physician licensed to practice medicine in the state of Alabama may be considered to have excessively dispensed controlled substances if he or she prescribes, orders, dispenses, administers, supplies or otherwise distributes any Schedule II amphetamine and/or Schedule II amphetamine like anorectic drug, and/or Schedule II sympathomimetic amine drug or compound thereof, and/or any salt, compound, isomer, derivative or preparation of the foregoing which are chemically equivalent thereto, and/or other non-narcotic Schedule II stimulant drug, which drugs or compounds are classified under Schedule II of the Alabama Uniform Controlled Substances Act, § 20-2-24, Code of Alabama, 1975, to any person except for the therapeutic treatment of:

1. narcolepsy
2. hyperkinesis
3. brain dysfunction of sufficiently specific diagnosis, or etiology which clearly indicates the need for these substances in treatment or control
4. epilepsy
5. differential psychiatric evaluation of clinically significant depression provided however, that such treatment shall not extend beyond a period of thirty (30) days unless the patient is referred to a licensed practitioner specializing in the treatment of depression
6. clinically significant depression shown to be refractory to other therapeutic modalities provided however, that such treatment shall not extend beyond a period of thirty (30) days unless the patient is referred to a licensed practitioner specializing in the treatment of depression;

or for the clinical investigation of the effects of such drugs or compounds, in which case an investigative protocol must be submitted to and reviewed and approved by the State Board of Medical Examiners before the investigation has begun. A physician prescribing, ordering or otherwise distributing the controlled substances listed above in the manner permitted by this subsection shall main-

tain a complete record which must include documentation of the diagnosis and reason for prescribing, the name, dose, strength, and quantity of the drug, and the date prescribed or distributed. The records required under this subsection shall be made available for inspection by the certifying board or its authorized representative upon request. Those Schedule II stimulant drugs enumerated above shall not be dispensed or prescribed for the treatment or control of exogenous obesity.

c. The certifying boards may limit revocation or suspension of a registration to the particular controlled substance with respect to which grounds for revocation or suspension exist.

d. If the certifying boards suspend or revoke a registration, all controlled substances owned or possessed by the registrant at the time of suspension or the effective date of the revocation order may be placed under seal. No disposition may be made of substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, upon application thereof, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court. Upon a revocation order becoming final, all controlled substances may be forfeited to the state.

e. The certifying boards shall promptly notify the bureau of all orders suspending or revoking registration and all forfeitures of controlled substances.

Section 3. That § 34-24-360, Code of Alabama, 1975, be and the same is hereby amended to read as follows:

The medical licensure commission shall have the power and duty to suspend for a specified time, to be determined in the discretion of the commission, or revoke any license to practice medicine or osteopathy in the state of Alabama whenever the licensee shall be found guilty on the basis of substantial evidence of any of the following acts or offenses:

(1) Fraud in applying for or procuring a certificate of qualification to practice medicine or osteopathy or a license to practice medicine or osteopathy in the state of Alabama;

(2) Immoral, unprofessional or dishonorable conduct as defined herein or in the rules and regulations promulgated by the commission;

a. A physician is guilty of unprofessional conduct if he/she prescribes, orders dispenses, administers, supplies or otherwise distributes any Schedule II amphetamine and/or Schedule II amphetamine like anorectic drug and/or Schedule II sympathomimetic

amine drug or compound thereof, and/or any salt, compound, isomer, derivative or preparation of the foregoing which are chemically equivalent thereto, and/or other non-narcotic Schedule II stimulant drug, which drugs or compounds are classified under Schedule II of the Alabama Uniform Controlled Substances Act, § 20-2-24, Code of Alabama, 1975, to any person except for the therapeutic treatment of:

1. narcolepsy
2. hyperkinesis
3. brain dysfunction of sufficiently specific diagnosis, or etiology which clearly indicates the need for these substances in treatment or control
4. epilepsy
5. differential psychiatric evaluation of clinically significant depression provided however, that such treatment shall not extend beyond a period of thirty (30) days unless the patient is referred to a licensed practitioner specializing in the treatment of depression
6. clinically significant depression shown to be refractory to other therapeutic modalities provided however, that such treatment shall not extend beyond a period of 30 days unless the patient is referred to a licensed practitioner specializing in the treatment of depression;

or for the clinical investigation of the effects of such drugs or compounds in which case an investigative protocol must be submitted to and reviewed and approved by the State Board of Medical Examiners before the investigation has begun. A physician prescribing, ordering or otherwise distributing the controlled substances listed above in the manner permitted by this subsection shall maintain a complete record which must include documentation of the diagnosis and reason for prescribing, the name, dose, strength, and quantity of the drug, and the date prescribed or distributed. The records required under this subsection shall be made available for inspection by the certifying board or its authorized representative upon request. Those Schedule II stimulant drugs enumerated above shall not be dispensed or prescribed for the treatment or control of exogenous obesity.

(3) Practicing medicine or osteopathy in such a manner as to endanger the health of the patients of the practitioner;

(4) Conviction of a felony; a copy of the record of conviction, certified to by the clerk of the court entering the conviction, shall be conclusive evidence;

(5) Conviction of any crime or offense which reflects the in-

ability of the practitioner to practice medicine or osteopathy with due regard for the health or safety of his patients; a copy of the record of conviction, certified to by the clerk of the court entering the conviction, shall be conclusive evidence;

(6) Conviction for any violation of a federal or state law relating to controlled substances; a copy of the record of conviction, certified to by the clerk of the court entering the conviction, shall be conclusive evidence;

(7) Use of any untruthful or deceptive or improbable statements concerning the licensee's qualifications or the effects or results of his proposed treatment;

(8) Distribution by prescribing, dispensing, furnishing, or supplying of controlled substances to any person or patient for any reason or other than a legitimate medical purpose;

(9) Gross malpractice or repeated malpractice or gross negligence in the practice of medicine or osteopathy;

(10) Division of fees or agreement to split or divide the fees received for professional services with any person for bringing or referring a patient;

(11) Performance of unnecessary diagnostic tests or medical or surgical services;

(12) Charging fees determined by the commission to be grossly excessive;

(13) Aiding or abetting the practice of medicine by any person not licensed by the commission;

(14) Conviction of fraud in filing medicare or medicaid claims or conviction of fraud in filing claims to any third party payor; a copy of the record of conviction, certified to by the clerk of the court entering the conviction shall be conclusive evidence;

(15) The suspension or revocation by another state of a license to practice medicine, based upon acts by the licensee similar to acts described in this section; a certified copy of the record of suspension or revocation of the state making such a suspension or revocation is conclusive evidence thereof;

(16) Refusal to appear before the state board of medical examiners after having been formally requested to do so in writing by the executive director of the board;

(17) Making any fraudulent or untrue statement to the commission or to the state board of medical examiners;

(18) The removal of staff privileges of a licensee by a hospital

in this or any other state when such action is related to medical incompetence, moral turpitude, or drug or alcohol abuse;

(19) Being unable to practice medicine or osteopathy with reasonable skill and safety to patients by reason of illness, inebriation, excessive use of drugs, narcotics, alcohol, chemicals or any other substance, or as a result of any mental or physical condition.

When the issue is whether or nor a doctor is physically or mentally capable of practicing medicine or osteopathy with reasonable skill and safety to patients, then, upon a showing of probable cause to the board or commission that the doctor is not capable of practicing medicine or osteopathy with reasonable skill and safety to patients, the board or commission may order and direct the doctor in question to submit to either a physical, mental or laboratory examination or any combination of such examinations to be performed by a physician or osteopath designated by the board. The expense of such examination shall be borne by the physician or osteopath who is so examined.

Every physician licensed to practice medicine or osteopathy in the state of Alabama who accepts the privilege of practicing medicine or osteopathy in the state of Alabama by actually practicing or by the making and filing of an annual registration to practice medicine shall be deemed to have given his consent to submit to a mental, physical or laboratory examination or to any combination of such examinations and to waive all objections to the admissibility of the examining physician's testimony or examination reports on the ground that they constitute privileged doctor-patient communications.

Section 4. The certifying boards under the Alabama Uniform Controlled Substances Act, the State Board of Medical Examiners and the Medical Licensure Commission are each authorized to promulgate such rules and regulations as may be required to implement the provisions of this act.

Section 5. That the provisions of this act are severable and if any part or portion of this act is declared unconstitutional or invalid for any reason, such declaration shall not affect the part or parts which remain.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-891

H. 13—Rep. Johnson (Roy)

AN ACT

The purpose of this Act is to increase revenue and promote compliance with the tax laws by providing the means for a more effective and efficient enforcement of said tax laws. Subchapter A applies to collection matters such as tax liens, levy and distraint, seizures of property for payment of a tax liability and the sale and disposition of property levied upon. Subchapter B provides limitations upon the assessment and collection of a tax liability. Subchapter C provides for certain additions to tax and penalties that may be imposed. Subchapter D provides for actions that may be necessary in a jeopardy situation where quick action is necessary to collect a tax liability. Subchapter E designates certain violations of the revenue laws as crimes and provides for punishment of same. This statute provides for the collection of taxes due the state from taxpayers who have failed or refused to pay a final tax assessment after notice, hearing and appeal as provided in the Revenue Code has been exhausted; or from taxpayers who have willfully attempted to evade the imposition of the tax.

Be It Enacted by the Legislature of Alabama:

Section 1. Short Title. This Act shall be known and may be cited as the "Tax Enforcement and Compliance Act" or "TECA."

Section 2. Application—Intent—Conflicting provisions.

The provisions of this chapter shall apply to every public tax, license or fee, and/or any penalty or interest payable thereon, levied under the provisions of any existing or hereafter enacted law which is codified in Title 40 or any other title and is collectible by the Commissioner of Revenue.

The purpose of this chapter is to supplement and clarify existing provisions of the general law relating to the enforcement and collection of taxes. The provisions of this chapter shall be complementary and in addition to all other provisions of law. In the event of any conflict between the provisions of this chapter and those of any other specific statutory provisions contained in other chapters of Title 40, or of any other title, it is hereby declared to be the legislative intent that, to the extent such other specific provisions are inconsistent with or different from the provisions of this chapter, the provisions of this chapter shall prevail. It is the intent of the Legislature that no part of this Act shall be construed so as to supercede any due process requirements presently in effect under Title 40, Code of Alabama 1975.

SUBCHAPTER A COLLECTIONS

Section 3. Lien for Taxes.

If any person liable to pay any tax, other than ad valorem tax, neglects or refuses to pay the same, the amount (including any interest, additional amount, addition to tax, or assessable penalty to-

gether with any costs that may accrue in addition thereto) shall be a lien in favor of the State of Alabama upon all property and rights to property, whether real or personal, tangible or intangible, belonging to such person. The Department of Revenue shall give notice of lien to the taxpayer.

If the taxpayer shall file with the Department of Revenue a bond in double the amount of the lien filed, with surety or sureties to be either a surety company authorized to do business in Alabama or such individual property owners, not less than three in number, as are recommended by the judge of probate of the county in which the notice of lien is recorded, conditioned to pay all such tax, interest penalty, additional amount or addition to such tax, together with any costs which may occur in addition thereto as may be assessed against the taxpayer, principal in said bond, the Commissioner or Revenue or his delegate, shall withdraw and release said lien filed under the provisions of this section, and upon a determination that the said taxpayer owes any of said taxes to the state, the assessment (judgment) therefor shall be entered against said taxpayer and the surety or sureties on said bond; and, if not paid within 30 days from the date of said final assessment (judgment), then execution shall issue therefor against said principal and the surety or sureties on said bond. If the bond hereinabove provided for is not given and approved by the said Commission, and a final assessment (judgment) is entered against said taxpayer and he duly and legally appeals therefrom within the time and in the manner provided for by this title, and the clerk or register of the court to which the appeal has been taken duly and legally approves the bond required by Section 40-2-22 or the said taxpayer against whom the said assessment was entered by the State Department of Revenue shall, within 30 days from the date of said assessment, pay the amount thereof to the state, then, in either of said events, the Commissioner of Revenue shall cancel or release from record said lien.

Section 4. Period of lien.

Unless another date is specifically fixed by law, the lien imposed by Section 3 of this subchapter shall arise at the time the assessment list, return therefor or the payment thereof, whichever is prior, was due to have been filed with or made to the Revenue Department, and shall continue until the liability for the amount so assessed (or a judgment against the taxpayer arising out of such liability) is satisfied or becomes unenforceable by reason of lapse of time.

Section 5. Validity and priority against certain persons.

(a) Purchasers, holders of security interests, mechanic's lienors, and judgment lien creditors.—The lien imposed by Section 3 of this subchapter shall not be valid as against any purchaser, holder of

a security interest, mechanic's lienor, or judgment lien creditor until notice thereof which meets the requirements of subsection (f) has been filed by the Commissioner of Revenue or his delegate, and shall not be perfected as against any purchaser, holder of a security interest, mechanic's lienor, or judgment lien creditor until the date such notice is filed.

(b) Protection for certain interest even though notice filed.—Even though notice of a lien imposed by Section 3 has been filed, such lien shall not be valid—

(1) Securities.—With respect to a security [as defined in subsection (g) (4)]—

(A) as against a purchaser of such security who at the time of purchase did not have actual notice or knowledge of the existence of such lien; and

(B) as against a holder of a security interest in such security who, at the time such interest came into existence, did not have actual notice or knowledge of the existence of such lien.

(2) Motor vehicles.—With respect to a motor vehicle [as defined in subsection (g)(3)], as against a purchaser of such motor vehicle, if—

(A) at the time of the purchase such purchaser did not have actual notice or knowledge of the existence of such lien, and

(B) before the purchaser obtains such notice or knowledge, he has acquired possession of such motor vehicle and has not thereafter relinquished possession of such motor vehicle to the seller or his agent.

(3) Personal property purchased at retail.—With respect to tangible personal property purchased at retail, as against a purchaser in the ordinary course of the seller's trade or business, unless at the time of such purchase such purchaser intends such purchase to (or knows such purchase will) hinder, evade, or defeat the collection of any tax under this title.

(4) Personal property purchased in casual sale.—With respect to household goods, personal effects, or other tangible personal property purchased (not for resale) in a casual sale for less than \$250, as against the purchaser, but only if such purchaser does not have actual notice or knowledge (A) of the existence of such lien, or (B) that this sale is one of a series of sales.

(5) Personal property subject to possessory lien.—With respect to tangible personal property subject to a lien securing the reasonable price of the repair or improvement of such property, as against a holder of such a lien, if such holder is, and has been, con-

tinuously in possession of such property from the time such lien arose.

(6) Real property tax.—With respect to real property, as against a holder of a lien upon such property, if such lien is entitled to priority over security interests in such property which are prior in time, and such lien secures payment of ad valorem tax.

(7) Real property subject to a mechanic's lien for certain repairs and improvements.—With respect to real property subject to a lien for repair or improvement as against a mechanic's lienor but not to exceed \$5,000.

(8) Attorneys' liens.—With respect to a judgment or other amount in settlement of a claim or of a cause of action, as against an attorney who holds a lien upon or a contract enforceable against such judgment or amount, to the extent of his reasonable compensation for obtaining such judgment or procuring such settlement.

(9) Certain insurance contracts.—With respect to a life insurance, endowment, or annuity contract, as against the organization which is the insurer under such contract, at any time—

(A) before such organization had actual notice or knowledge of the existence of such lien; or

(B) after such organization had such notice or knowledge, with respect to advances required to be made automatically to maintain such contract in force under an agreement entered into before such organization had such notice or knowledge.

(c) Protection for certain commercial transactions financing agreements, etc.—

(1) In general.—To the extent provided in this subsection, even though notice of a lien imposed by section 3 has been filed, such lien shall not be valid with respect to a security interest which came into existence after tax lien filing but which—

(A) is in qualified property covered by the terms of a written agreement entered into before tax lien filing and constituting—

(i) a commercial transactions financing agreement,

(ii) a real property construction or improvement financing agreement, or

(iii) an obligatory disbursement agreement, and

(B) is protected against a judgment lien arising, as of the time of tax lien filing, out of an unsecured obligation.

(2) Commercial transactions financing agreement.—For purposes of this subsection—

(A) Definition.—The term “commercial transactions financing agreement” means an agreement (entered into by a person in the course of his trade or business)—

(i) to make loans to the taxpayer to be secured by commercial financing security acquired by the taxpayer in the ordinary course of his trade or business, or

(ii) to purchase commercial financing security (other than inventory) acquired by the taxpayer in the ordinary course of his trade or business;

but such an agreement shall be treated as coming within the term only to the extent that such loan or purchase is made before the 46th day after the date of tax lien filing or (if earlier) before the lender or purchaser had actual notice or knowledge of such tax lien filing.

(B) Limitation on qualified property.—The term “qualified property”, when used with respect to a commercial transactions financing agreement, includes only commercial financing security acquired by the taxpayer before the 46th day after the date of tax lien filing.

(C) Commercial financing security defined.—The term “commercial financing security” means (i) paper of a kind ordinarily arising in commercial transactions, (ii) accounts receivable, (iii) mortgages on real property, and (iv) inventory.

(D) Purchaser treated as acquiring security interest.—A person who satisfies subparagraph (A) by reason of clause (ii) thereof shall be treated as having acquired a security interest in commercial financing security.

(3) Real property construction or improvement financing agreement.—For purposes of this subsection—

(A) Definition.—The term “real property construction or improvement financing agreement” means an agreement to make cash disbursements to finance—

(i) the construction or improvement of real property,

(ii) a contract to construct or improve real property, or

(iii) the raising or harvesting of a farm crop or the raising of livestock or other animals.

For purpose of clause (iii), the furnishing of goods and services shall be treated as the disbursement of cash.

(B) Limitation on qualified property.—The term “qualified property”, when used with respect to a real property construction or

improvement financing agreement, includes only—

(i) in the case of subparagraph (A) (i), the real property with respect to which the construction or improvement has been or is to be made,

(ii) in the case of subparagraph (A) (ii), the proceeds of the contract described therein, and

(iii) in the case of subparagraph (A) (iii), property subject to the lien imposed by Section 3 at the time of tax lien filing and the crop or the livestock or other animals referred to in subparagraph (A) (iii).

(4) **Obligatory disbursement agreement.**—For purposes of this subsection—

(A) **Definition.**—The term “obligatory disbursement agreement” means an agreement (entered into by a person in the course of his trade or business) to make disbursements, but such an agreement shall be treated as coming within the term only to the extent of disbursements which are required to be made by reason of the intervention of the rights of a person other than the taxpayer.

(B) **Limitation on qualified property.**—The term “qualified property”, when used with respect to an obligatory disbursement agreement, means property subject to the lien imposed by Section 3 at the time of tax lien filing and [to the extent that the acquisition is directly traceable to the disbursements referred to in subparagraph (A)] property acquired by the taxpayer after tax lien filing.

(C) **Special rules for surety agreements.**—Where the obligatory disbursement agreement is an agreement ensuring the performance of a contract between the taxpayer and another person.

(i) the term “qualified property” shall be treated as also including the proceeds of the contract the performance of which was ensured, and

(ii) if the contract the performance of which was ensured was a contract to construct or improve real property, to produce goods, or to furnish services, the term “qualified property” shall be treated as also including any tangible personal property used by the taxpayer in the performance of such ensured contract.

(d) **45 day period for making disbursement.**—Even though notice of a lien imposed by Section 3 has been filed, such lien shall not be valid with respect to a security interest which came into existence after tax lien filing by reason of disbursements made before the 46th day after the date of tax lien filing, or (if earlier) before the person making such disbursements had actual notice or knowledge of tax lien filing, but only if such security interest—

(1) is in property (A) subject at the time of tax lien filing, to the lien imposed by Section 3, and (B) covered by the terms of a written agreement entered into before tax lien filing, and

(2) is protected against a judgment lien arising, as of the time of tax lien filing, out of an unsecured obligation.

(e) Priority of interest and expenses.—If the lien imposed by Section 3 is not valid as against a lien or security interest, the priority of such lien or security interest shall extend to—

(1) any interest or carrying charges upon the obligation secured,

(2) the reasonable charges and expenses of an indenture trustee or agent holding the security interest for the benefit of the holder of the security interest,

(3) the reasonable expenses, including reasonable compensation for attorneys, actually incurred in collecting or enforcing the obligation secured,

(4) the reasonable costs of insuring, preserving, or repairing the property to which the alien or security interest relates,

(5) the reasonable costs of insuring payment of the obligation secured, and

(6) amounts paid to satisfy any lien on the property to which the lien or security interest relates, but only if the lien so satisfied is entitled to priority over the lien imposed by Section 3, to the extent that any such item has the same priority as the lien or security interest to which it relates.

(f) Place for filing; form.—

(1) Place for filing.—The notice referred to in subsection (a) shall be filed

(A) Real property.—In the case of real property, in the probate office of the county in which the property subject to the lien is situated; and

(B) Personal property.—In the case of personal property, whether tangible or intangible, in the office (i) in which a financing statement would be filed to perfect a security interest with respect to such property pursuant to the Alabama Uniform Commercial Code, or (ii) of the Secretary of State, if a financing statement would not be required to be filed to perfect a security interest with respect to such property; provided, however, if the property is a motor vehicle (as defined under sub-section (g) (3) of Section 5), the tax lien shall be perfected in the same manner as a security interest is required to be perfected with respect to such motor vehicle. Such no-

tice shall be effective as to any third party only when properly included by name in the index of such financing statements available for public inspection, and shall not be effective against a third party who relies upon a certification of such filings obtained in the manner provided in Section 7-9-407 of the Code of Alabama 1975 if such notice is omitted from the certification. Each filing officer shall reflect such notices in any certificate provided pursuant to Section 7-9-407.

(2) Form.—The form and content of the notice referred to in subsection (a) shall be prescribed by the Commissioner of Revenue or his delegate. Such notice shall be valid notwithstanding any other provision of law regarding the form or content of a notice of lien.

(g) Definitions.—For purpose of this section

(1) Security interest.—the term “security interest” means any interest in property acquired by contract for the purpose of securing payment or performance of an obligation or indemnifying against loss or liability. A security interest exists at any time (A) if, at such time, the property is in existence and the interest has become protected against a subsequent judgment lien arising out of an unsecured obligation, and (B) to the extent that, at such time, the holder has parted with money or money’s worth.

(2) Mechanic’s lienor.—The term “mechanics lienor” means any person who has a lien on real property (or on the proceeds of a contract relating to real property) for services, labor, or materials furnished in connection with the construction or improvement of such property. For purposes of the preceding sentence, a person has a lien on the earliest date such lien becomes valid against subsequent purchasers without actual notice, but not before he begins to furnish the services, labor, or materials.

(3) Motor vehicle.—The term “motor vehicle” means a self-propelled vehicle which is registered for highway use under the laws of any State or foreign country.

(4) Security.—The terms “security” means any bond, debenture, note, or certificate or other evidence of indebtedness, issued by a corporation or a government or political subdivision thereof, with interest coupons or in registered form, share of stock, voting trust certificate, or any certificate of interest or participation in, certificate of deposit or receipt for, temporary or interim certificate for, or warrant or right to subscribe to or purchase, any of the foregoing; negotiable instrument; or money.

(5) Tax lien filing.—The term “tax lien filing” means the filing of notice (referred to in subsection (a)) of the lien imposed by Section 3.

(6) **Purchaser.**—The term “purchaser” means a person who, for adequate and full consideration in money or money’s worth, acquires an interest (other than a lien or security interest) in property which is valid against subsequent purchasers without actual notice. In applying the preceding sentence for purposes of subsection (a) of this section—

- (A) a lease of property,
- (B) a written executory contract to purchase or lease property,
- (C) an option to purchase or lease property or any interest therein, or
- (D) an option to renew or extend a lease of property, which is not a lien or security interest shall be treated as an interest in property.

(i) **Special rules.**—

(1) **Actual notice or knowledge.**—For purposes of this subchapter, an organization shall be deemed for purposes of a particular transaction to have actual notice or knowledge of any fact from the time such fact is brought to the attention of the individual conducting such transaction, and in any event for the time such fact would have been brought to such individual’s attention if the organization had exercised due diligence. An organization exercises due diligence if it maintains reasonable routines for communicating significant information to the person conducting the transaction and there is reasonable compliance with the routine. Due diligence does not require an individual acting for the organization to communicate information unless such communication is part of his regular duties or unless he has reason to know of the transaction and that the transaction would be materially affected by the information.

(2) **Subrogation.**—Where one person is subrogated to the rights of another with respect to a lien or interest, such person shall be subrogated to such rights for purposes of any lien imposed by Section 3.

(3) **Disclosure of amount of outstanding lien.**—If a notice of lien has been filed pursuant to subsection (f), the Commissioner or his delegate is authorized to provide by regulations the extent to which, and the conditions under which, information as to the amount of the outstanding obligation secured by the lien may be disclosed.

Section 6. Levy and distraint.

(a) **Authority of Commissioner or delegate.**—If any person liable to pay any final assessment of tax neglects or refuses to pay the same within 30 days after notice and demand, it shall be lawful for

the Commissioner of Revenue or his delegate to collect such tax (and such further sum as shall be sufficient to cover the expenses of the levy) by levy upon all property and rights to property belonging to such person or on which there is a lien provided in this chapter for the payment of such tax. If the Commissioner of Revenue or his delegate makes a finding that the collection of such tax is in jeopardy, notice and demand for immediate payment of such tax may be made by the Commissioner of Revenue or his delegate and, upon failure or refusal to pay such tax, collection thereof by levy shall be lawful without regard to the 30-day period provided in this section. The Commissioner of Revenue or his delegate shall procure a temporary restraining order from the appropriate Circuit Court of Alabama prior to a jeopardy levy for which said court may order the taxpayer restrained from disposing of any assets or otherwise provide for other means to insure collection of the tax liability.

(b) Seizure and sale of property.—The term “levy” as used in this title includes the power of distraint and seizure by any lawful means. Except as otherwise provided in subsection (d)(3), a levy shall extend only to property possessed and obligations existing at the time thereof. In any case in which the Commissioner of Revenue may levy upon property or rights to property, he may seize and sell such property or rights to property (whether real or personal, tangible or intangible), as prescribed by law.

(c) Successive seizures.—Whenever any property or right to property upon which levy has been made by virtue of subsection (a) is not sufficient to satisfy the claim of the State of Alabama for which levy is made, the Commissioner of Revenue or his delegate may, thereafter, and as often as may be necessary, proceed to levy in like manner upon any other property liable to levy of the person against whom such claim exists, until the amount due from him, together with all expenses, is fully paid.

(d) Requirement of notice before levy.

(1) In general.—Levy may be made under subsection (a) upon the salary or wages or other property of any person with respect to any unpaid tax only after the Commissioner of Revenue has notified such person in writing of his intention to make such levy.

(2) 30-day requirement.—The notice required under paragraph (1) shall be served in any one of the following methods

(A) given in person.

(B) left at the dwelling or usual place of business of such person, or

(C) sent by certified or registered mail to such person's last

known address,

no less than 30 days before the day of the levy.

(3) Jeopardy.—Paragraph (1) shall not apply to a levy if the Commissioner of Revenue has made a finding under the last sentence of subsection (a) that the collection of tax is in jeopardy.

(e) Continuing levy on salary and wages.—

(1) Effect of levy.—The effect of a levy on salary or wages payable to or received by a taxpayer shall be continuous from the date such levy is first made until the liability out of which such levy arose is satisfied; provided, however, that no such levy made shall be made more than 25% of the total wages or salary due the taxpayer.

(2) Release and notice of release.—With respect to a levy described in paragraph (1), the Commissioner of Revenue shall within ten (10) days release the levy when the liability out of which such levy arose is satisfied and shall promptly notify the person upon whom such levy was made that such levy has been released.

(f) Provided that the powers conferred on the Commissioner of Revenue, or his duly authorized representatives, by this Section shall not be effective until 60 days after receipt by the Sheriff of a writ of execution issued by the Revenue Department under Section 40-2-11(17), Code of Alabama 1975.

Provided further, that at the end of the 60 day period provided in this subsection, the commissioner or his duly authorized representatives must obtain a writ of execution from the circuit court of the judicial district in which the property is located prior to seizure of property as authorized by this act.

(g) Any person desiring to appeal under Section 40-2-22 Code of Alabama 1975, from any final assessment made by the department of revenue may do so by following the procedures outlined therein with the following exception: if a person can show to the satisfaction of the clerk of the circuit court to which the appeal is taken that he has a total gross net worth of \$20,000 or less including his homestead, then said person may take such appeal without either paying the tax in full or posting a supersedeas bond in twice the amount of such final assessment.

Section 7. Surrender of property subject to levy.

(a) Requirement.—Except as otherwise provided in subsection (b), any person in possession of (or obligated with respect to) property or rights to property subject to levy upon which a levy has been made shall, upon demand of the Commissioner of Revenue or his delegate, surrender such property or rights (or discharge such obligation) to the Commissioner of Revenue or his delegate, except such

part of the property or rights as is, at the time of such demand, subject to an attachment or execution under any judicial process.

(b) Enforcement of levy.—

(1) Extent of personal liability.—Any person who fails or refuses to surrender any property or right to property, subject to levy, upon demand by the Commissioner or Revenue, shall be liable in his own person and estate to the State of Alabama in a sum equal to the value of the property or rights not so surrendered, but not exceeding the amount of taxes for the collection of which such levy has been made, together with costs and interest on such sum at an annual rate established by law from the date of such levy [or, in the case of a levy described in Section 6(d)(3), from the date such person would otherwise have been obligated to pay over such amounts to the taxpayer]. Any amount (other than costs and the 10% penalty provided in subparagraph 2 below) recovered under this paragraph shall be credited against the tax liability for the collection of which such levy was made.

(2) Penalty for violation.—In addition to the personal liability imposed by paragraph (1), if any person required to surrender property or rights to property fails or refuses to surrender such property or rights to property without reasonable cause, such person shall be liable for a penalty equal to 10 percent of the amount recoverable from the property under his control. No part of such penalty shall be credited against the tax liability for the collection of which such levy was made.

(c) Effect of honoring levy.—Any person in possession of (or obligated with respect to) property or rights to property subject to levy upon which a levy has been made who, upon demand by the Commissioner of Revenue or his delegate, surrenders such property or rights to property (or discharges such obligation) to the Commissioner of Revenue or his delegate, or who pays a liability under subsection (b)(1), shall be discharged from any obligation or liability to the delinquent taxpayer with respect to such property or rights to property arising from such surrender or payment.

(d) Person defined.—The term "person" as used in subsection (a) includes an officer of a corporation or a member of a partnership, who as such officer, or member is under a duty to surrender the property or rights to property, or to discharge the obligation.

Section 8. Production of books.

If a levy has been made on any property, or right to property, any person having custody or control of any books or records containing evidence or statements relating to the property or rights to property subject to levy, shall, upon demand of the Commissioner of

Revenue or his delegate, exhibit such books or records to the Commissioner of Revenue or his delegate.

Section 9. Sale of seized property.

(a) Notice of seizure.—As soon as practicable after seizure of property, notice in writing shall be given by the Commissioner of Revenue or his delegate to the owner of the property (or, in the case of personal property, the possessor thereof), or shall be left at his usual place of abode or business. If the owner cannot be readily located, or has no dwelling or place of business within the state, the notice may be mailed to his last known address. Such notice shall specify the sum demanded and shall contain, in the case of real property, a description with reasonable certainty of the property seized.

(b) Notice of sale.—The Commissioner or his delegate shall as soon as practicable after the seizure of the property given notice to the owner, in the manner prescribed in subsection (a), and shall cause a notification to be published in some newspaper published or generally circulated within the county wherein such seizure is made, or if there be no newspaper published or generally circulated in such county, shall post such notice at the post office nearest the place where the seizure is made, and in not less than two other public places. Such notice shall specify the property to be sold, including both a legal description and a readily understandable layman's description, and the time, place, manner, and conditions of the sale thereof. Whenever levy is made without regard to the 30-day notice period, public notice of sale of the property seized shall be made within such 30-day period unless Section 10 (relating to sale of perishable goods) is applicable.

(c) Sale of indivisible property.—If any property liable to levy is not divisible, so as to enable the Commissioner or his delegate by sale of a part thereof to raise the whole amount of the tax and expenses, the whole of such property shall be sold. Such indivisible property shall include only property in which the taxpayer has controlling interest in and may not include property wherein the taxpayer may share in ownership with other persons.

(d) Time and place of sale.—The time of sale shall not be less than 30 days nor more than 60 days from the time of giving public notice under subsection (b). The place of sale shall be within the county in which the property is seized, except where property is owned in two or more counties the Commissioner or his delegate may determine in which of the counties in which any of the property is located the sale shall be held.

(e) Manner and condition of sale.—

(1) Minimum price.—Before the sale the Commissioner or his delegate may determine a minimum price for which the property shall be sold, and if such minimum price is determined, and if no person offers for such property at the sale the amount of the minimum price, the property shall be declared to be purchased at such price for the State of Alabama; otherwise the property shall be declared to be sold to the highest bidder.

(2) Additional Rules Applicable to Sale.—The Commissioner or his delegate shall by regulations prescribe the manner and other conditions of the sale of property seized by levy. If one or more alternative methods or conditions are permitted by regulations, the Commissioner or his delegate shall select the alternatives applicable to the sale. Such regulations shall provide:

(A) That the sale shall not be conducted in any manner other than—

- (i) by public auction, or
- (ii) by public sale under sealed bids.

(B) In the case of the seizure of several items of property, whether such items shall be offered separately, in groups, or in the aggregate; and whether such property shall be offered both separately (or in groups) and in the aggregate, and sold under whichever method produces the highest aggregate amount.

(C) Whether the announcement of the minimum price determined by the Commissioner or his delegate may be delayed until the receipt of the highest bid.

(D) Whether payment in full shall be required at the time of acceptance of a bid, or whether a part of such payment may be deferred for such period (not to exceed 1 month) as may be determined by the Commissioner or his delegate to be appropriate.

(E) The extent to which methods (including advertising) in addition to those prescribed in subsection (b) may be used in giving notice of the sale.

(F) Under what circumstances the Commissioner or his delegate may adjourn the sale from time to time (but such adjournments shall not be for a period to exceed in all 1 month).

(3) Payment of amount bid.—If payment in full is required at the time of acceptance of a bid and is not then and there paid, the Commissioner or his delegate shall forthwith proceed to again sell the property in the manner provided in this subsection. If the conditions of the sale permit part of the payment to be deferred, and if such part is not paid within the described period, suit may be instituted against the purchaser for the purchase price or such part

thereof as has not been paid, together with interest at the rate applicable to liabilities due the Revenue Department from the date of the sale; or, in the discretion of the Commissioner or his delegate, the sale may be declared to be null and void for failure to make full payment of the purchase price and the property may again be advertised and sold as provided in subsections (b) and (c) of this subsection. In the event of such readvertisement and sale any new purchaser shall receive such property or rights to property free and clear of any claim or right of the former defaulting purchaser, of any nature whatsoever, and the amount paid upon the bid price by such defaulting purchaser shall be forfeited.

Section 10. Sale of perishable goods.

If the Commissioner or his delegate determines that any property seized is liable to perish or become greatly reduced in price or value by keeping, or that such property cannot be kept without great expense, he shall appraise the value of such property and—

(a) Return to owner.—If the owner of the property can be readily found, the Commissioner or his delegate shall give him notice of such determination of the appraised value of the property. The property shall be returned to the owner if, within such time as may be specified in the notice, the owner—

(1) Pays to the Commissioner or his delegate an amount equal to the appraised value, or

(2) Gives bond in such form, with such sureties, and in such amount as the Commissioner or his delegate shall prescribe, to pay the appraised amount at such time as the Commissioner or his delegate determines to be appropriate in the circumstances.

(b) Immediate sale.—If the owner does not pay such amount or furnish such bond in accordance with this section, the Commissioner or his delegate may as soon as practicable make public sale of the property in accordance with such regulations or in such manner as may be prescribed by the Commissioner or his delegate.

Section 11. Redemption of property.

(a) Before sale.—Any person whose property has been levied upon hereunder or subject to execution under Section 40-2-11, Code of Alabama 1975, shall have the right to pay the amount due, together with the expenses of the proceeding, if any, to the Commissioner or his delegate at any time prior to the sale thereof, and upon such payment the Commissioner or his delegate shall restore such property to him, and all further proceedings in connection with the levy on such property shall cease from the time of such payment.

(b) Redemption of real estate after sale.—

(1) **Period.**—The owners of any real property sold as provided in Section 9, their heirs, executors, or administrators, or any person having any interest therein, or a lien thereon, or any person in their behalf, shall be permitted to redeem the property sold, or any particular tract of such property, at any time within one year after the sale thereof. Real property purchased by the state at said sale may be deemed from the state at any time within one year after the sale thereof.

(2) **Price.**—Such property or tract of property shall be permitted to be redeemed upon payment to the purchaser, or in case he cannot be found in the county in which the property to be redeemed is situated, then to the Commissioner or his delegate, for the use of the purchaser, his heirs, or assigns, the amount paid by such purchaser and interest thereon at the current rate of interest per annum as last published and charged on delinquent taxes by the Internal Revenue Service. Where the state was purchaser, the tax liability must be paid in full in addition to the costs, penalties and interest in order to redeem.

(c) **Record.**—When any lands sold are redeemed as provided in this section, the Commissioner or his delegate shall cause entry of the fact to be made upon the record mentioned in Section 14, and such entry shall be evidenced of such redemption.

(d) There may be no redemption of personal property.

Section 12. Certificate of sale; deed of real property.

(a) **Certificate of sale.**—In the case of personal property sold as provided in Section 9, the Commissioner or his delegate shall give to the purchaser a certificate of sale upon payment in full of the purchase price.

(b) **Deed to real property.**—In the case of any real property sold as provided in Section 9 and not redeemed in the manner and within the time provided in section 11, the Commissioner or his delegate shall execute to the purchaser of such real property at such sale, upon his surrender of the certificate of sale, a deed of the real property so purchased by him, reciting the facts set forth in the certificate.

(c) **Real property purchased by State of Alabama.**—If real property is declared purchased by the State of Alabama at a sale pursuant to Section 9, the Commissioner or his delegate shall at the proper time execute a deed therefor, and without delay cause such deed to be duly recorded in the probate office of the county in which the property is located.

Section 13. Legal effect of certificate of sale of personal

property and deed of real property.

(a) Certificate of sale of property other than real property.—In all cases of a sale of property (other than real property) pursuant to Section 9, the certificate of such sale—

(1) As evidence.—Shall be prima facie evidence of the right of the officer to make such sale, and conclusive evidence of the regularity of his proceedings in making the sale; and

(2) As conveyances.—Shall transfer to the purchaser all right, title, and interest of the party delinquent in and to the property sold; and

(3) As authority for transfer of corporate stock.—If such property consists of stocks, shall be notice when received, to any corporation, company, or association of such transfer, and shall be authority to such corporation, company, or association to record the transfer on its books and records in the same manner as if the stocks were transferred or assigned by the party holding the same, in lieu of any original or prior certificate, which shall be void, whether canceled or not; and

(4) As receipts.—If the subject of sale is securities or other evidences of debt, shall be a good and valid receipt to the person holding the same, as against any person holding or claiming to hold possession of such securities or other evidences of debt; and

(5) As authority for transfer of title to motor vehicle.—If such property consists of a motor vehicle, shall be notice, when received, to any public official charged with the registration of title to motor vehicles, of such transfer and shall be authority to such official to record the transfer on his books and records in the same manner as if the certificate of title to such motor vehicle were transferred or assigned by the party holding the same, in lieu of any original or prior certificate, which shall be void, whether canceled or not.

(b) Deed of real property.—In the case of the sale of real property pursuant to Section 9—

(1) Deed as evidence.—The deed of sale given pursuant to Section 12 shall be prima facie evidence of the facts therein stated; and

(2) Deed as conveyance of title.—If the proceedings of the Commissioner or his delegate as set forth have been substantially in accordance with the provisions of law, such deed shall be considered and operate as a conveyance of all the right, title, and interest the party delinquent had in and to the real property thus sold at the time the lien of the State of Alabama attached thereto.

(c) Effect of juror encumbrances.—A certificate of sale of per-

sonal property given or a deed to real property executed pursuant to Section 12 shall discharge such property from all liens, encumbrances, and titles over which the lien of the State of Alabama with respect to which the levy was made had priority.

(d) Effect of senior encumbrances.—A certificate of sale of personal property given or a deed to real property does not discharge such property from liens, encumbrances, and titles senior to the lien of the State of Alabama.

Section 14. Records of sales to be kept.

The Commissioner or his delegate shall keep a record of all sales of real property sold under Section 9 and of redemptions of such property. The record shall set forth the tax for which the sale was made, the dates of seizure and sale, the amount of the expenses, the name of purchaser and the date of the deed. A deed to the State of Alabama by virtue of its purchase at the sale shall be promptly recorded in the Probate Office of the county or counties where the property is located.

Section 15. Expense of levy and sale.

The Commissioner or his delegate shall determine the expenses to be allowed in all cases of levy and sale, which expenses shall be actual expenses directly related to the sale. The fee for a professional auctioneer that may be employed at the discretion of the Commissioner or his delegate shall be considered an expense of the levy and sale.

Section 16. Application of proceeds of levy.

(a) Collection of liability.—Any money realized by proceedings under this subchapter (whether by seizure, by surrender under Section 7 [except pursuant to subsection (b)(2) thereof], or by sale of seized property) or by sale of property redeemed by the State of Alabama (if the interest of the State of Alabama in such property was a lien arising under the provisions of this title) shall be applied as follows:

(1) Expense of levy and sale.—First, against the expenses of the proceedings;

(2) Specific tax liability on seized property.—If the property seized and sold is subject to a tax imposed under this title which has not been paid, the amount remaining after applying paragraph (1) shall then be applied against such tax liability, including any penalty and interest, (and, if such tax was not previously assessed, it shall then be assessed);

(3) Liability of delinquent taxpayer.—The amount, if any, remaining after applying paragraphs (1) and (2) shall then be applied

against the liability in respect of which the levy was made or the sale was conducted.

(b) **Surplus proceeds.**—Any surplus proceeds remaining after the application of subsection (a) shall be refunded by the Commissioner or his delegate to the person or persons legally entitled thereto.

Section 17. Authority to release levy and return property.

(a) **Release of levy.**—It shall be lawful for the Commissioner or his delegate to release the levy, and any liens, upon all or part of the property or rights to property levied upon where the Commissioner or his delegate, within their discretion, determines that such action will facilitate the collection of the liability or for other good reason that the levy should be released, but such release shall not operate to prevent any subsequent levy.

(b) **Return of property.**—If the Commissioner determines that property has been wrongfully levied upon, it shall be lawful for the Commissioner to return—

- (1) the specific property levied upon,
- (2) an amount of money equal to the amount of money levied upon, or
- (3) an amount of money equal to the fair market value of the property levied upon and the reasonable cost of a judicial determination of the existence of a wrongful levy.

(c) **Interest.**—Interest shall be allowed and paid at an annual rate established by law—

(1) in a case described in subsection (b)(2), from the date the Commissioner receives the money to a date (to be determined by the Commissioner) preceding the date of return by not more than 30 days, or

(2) in a case described in subsection (b)(3), from the date of the sale of the property to a date (to be determined by the Commissioner) preceding the date of return by not more than 30 days.

SUBCHAPTER B LIMITATIONS ON ASSESSMENT AND COLLECTION

Section 18. Limitations on assessment—Income Tax.

The three year limitation period set out in Section 40-18-45(a), Code of Alabama 1975, for making income tax assessments shall be suspended upon the entry of a preliminary assessment by the Revenue Department.

Section 19. Collection after assessment.

Length of period.—Where the assessment of any tax imposed by this title has been begun or made within the period of limitation properly applicable thereto, such tax may be collected by levy or by a proceeding in court, but only if the levy is made or the proceeding begun—

- (1) within 10 years after the final assessment of the tax, or
- (2) prior to the expiration of any period for collection agreed upon in writing by the Commissioner or his delegate and the taxpayer before the expiration of such 10-year period (or, if there is a release of levy under Section 17 after such 10-year period, then before such release).

The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon. The period provided by this subsection during which a tax may be collected by levy shall not be extended or curtailed by reason of a judgment against the taxpayer.

(b) **Date when levy is considered made.**—The date on which a levy on property or rights to property is made shall be the date on which the notice of seizure provided in Section 9 is given.

Section 20. Suspension of running of period of limitation.

(a) **General rule.**—The running of the period of limitations provided in Section 18 or 19 on the making of assessments or the collection by levy or a proceeding in court shall be suspended for the period during which the Commissioner is prohibited from making the assessment or from collecting by levy or a proceeding in court and for 60 days thereafter.

(b) **Assets of taxpayer in control or custody of court.**—The period of limitations on collection after assessment prescribed in Section 18 or 19 shall be suspended for the period the assets of the taxpayer are in the control or custody of the court in any proceeding before any court of the State of Alabama, and for 6 months thereafter.

(c) **Taxpayer outside State of Alabama.**—The running of the period of limitations on collection after assessment prescribed in Section 18 or 19 shall be suspended for the period during which the taxpayer is outside the State of Alabama if such period of absence is for a continuous period of at least 6 months. If the preceding sentence applies and at the time of the taxpayer's return to the State of Alabama the period of limitations on collection after assessment prescribed in Section 18 or 19 would expire before the expiration of 6 months from the date of his return, such period shall not expire before the expiration of such months.

(d) Cases under title 11 of the United States Code (Bankruptcy).—The running of the period of limitations provided in Section 18 or 19 on the making of assessments or collection shall, in a case under title 11 of the United States Code (Bankruptcy), be suspended for the period during which the Commissioner is prohibited by reason of such case from making the assessment or from collecting and—

- (1) for assessment, 6 months thereafter, and
- (2) for collection, 6 months thereafter.

SUBCHAPTER C ADDITIONS TO TAX AND PENALTIES

Section 21. Bad checks.

If any check or money order in payment of any amount receivable under this title is not duly paid, in addition to any other penalties provided by law, there shall be paid as a penalty by the person who tendered such check, upon notice and demand by the Commissioner or his delegate, in the same manner as tax, an amount equal to 10 percent of the amount of such check, except that if the amount of such check is less than \$500, the penalty under this section shall be \$10 or the amount of such check, whichever is the lesser. This section shall not apply if the person tendered such check in good faith and with reasonable cause to believe that it would be duly paid, or settlement is made by the taxpayer within ten days after notification of receipt of a bad check by the Department.

Section 22. Automatic Refund.

Where the Department of Revenue determines that a taxpayer is entitled to a refund, the Department of Revenue shall automatically refund to that taxpayer the amount of any excess tax so paid to the State of Alabama; provided, however, that the statute of limitations provisions of the applicable tax law shall apply.

Section 23. Rules for application of assessable penalties.

(a) Penalty assessed as tax.—The penalties and liabilities provided by this subchapter shall be paid upon notice and demand by the Commissioner or his delegate, and shall be assessed and collected in the same manner as taxes. Except as otherwise provided, any reference in this title to “tax” imposed by this title shall be deemed also to refer to the penalties and liabilities provided by this subchapter.

(b) Person defined.—The term “person”, as used in this subchapter, includes an officer of a corporation, or a member of a partnership, who as such officer, or member is under a duty to perform the act in respect of which the violation occurs.

Section 24. Failure to collect and pay over tax, or attempt to evade or defeat tax.

(a) General rule.—Any person required to collect, truthfully account for, and/or pay over any tax imposed by §§40-17-2, 40-17-220, 40-18-71, 40-21-82, 40-23-2, 40-23-61, 40-26-1, Code of Alabama 1975 and any other local sales, use, and gross receipts taxes collected by the State Department of Revenue who willfully fails to collect such tax, or truthfully account for, and/or pay over such tax, or willfully attempts in any manner to evade or defeat any such tax or the payment thereof, shall, in addition to other penalties provided by law, be liable for a penalty up to the total amount of the tax evaded, or not collected, or not accounted for and paid over.

(b) Extension of period of collection where bond is filed.

(1) In general.—If, within 30 days after the day on which notice and demand of any penalty under subsection (a) is made against any person, such person—

(A) pays an amount which is not less than the minimum amount required to commence a proceeding in court with respect to his liability for such penalty.

(B) files a claim for refund of the amount so paid, and

(C) furnishes a bond which meets the requirements of paragraph (3),

no levy or proceeding in court for the collection of the remainder of such penalty shall be made, begun, or prosecuted until a final resolution of a proceeding begun as provided in paragraph (2).

(2) Suit must be brought to determine liability for penalty.—If, within 30 days after the day on which his claim for refund with respect to any penalty under subsection (a) is denied, the person described in paragraph (1) fails to begin a proceeding in the appropriate court for the determination of his liability for such penalty; paragraph (1) shall cease to apply with respect to such penalty, effective on the day following the close of the 30-day period referred to in this paragraph.

(3) Bond.—The bond referred to in paragraph (1) shall be in such form and with such sureties as the Commissioner may by regulations prescribe and shall be in an amount equal to 1½ times the amount of excess of the penalty assessed over the payment described in paragraph (1).

(4) Suspension of running of period of limitations on collection.—The running of the period of limitations provided in section 18 on the collection by levy or by a proceeding in court in respect of any penalty described in paragraph (1) shall be suspended for the

period during which the Commissioner is prohibited from collecting by levy or a proceeding in court.

(5) Jeopardy collection.—If the commissioner makes a finding that the collection of the penalty is in jeopardy, nothing in this subsection shall prevent the immediate collection of such penalty.

Section 25. Fraudulent statement or failure to furnish statement to employee.

In addition to the criminal penalty provided by Section 33, any person required under this title to furnish a statement to an employee who willfully furnishes a false or fraudulent statement, or who willfully fails to furnish a statement in the manner, at the time, and showing the information required shall for each such failure be subject to a penalty under this subchapter of \$50.

Section 26. False information with respect to withholding.

(a) Civil Penalty.—In addition to any criminal penalty provided by law, if—

(1) any individual makes a statement under Section 40-18-73 which results in a decrease in the amounts deducted and withheld under Section 40-18-71, and

(2) as of the time such statement was made, there was no reasonable basis for such statement, such individual shall pay a penalty of \$500 for such statement.

(b) Exception.—The Commissioner may waive (in whole or in part) the penalty imposed under subsection (a) if the taxes imposed with respect to the individual under Chapter 18 of Title 40, Code of Alabama 1975 for the taxable year are equal to or less than the sum of—

(1) the credits against such taxes allowed by Sections 40-18-21, 40-18-120 and 40-18-121, and

(2) the payments of estimated tax which are considered payments on account of such taxes.

SUBCHAPTER D JEOPARDY

Section 27. Jeopardy Assessment for Income Tax.

(a) If the Commissioner or his delegate finds that a taxpayer designs quickly to depart from the State of Alabama or to remove his property therein, or to do any other act tending to prejudice or to render wholly or partly ineffectual proceedings to collect the income tax for the current or the preceding taxable year unless such proceedings be brought without delay, the Commissioner or his dele-

gate shall declare the taxable period for such taxpayer immediately terminated, and shall cause notice of such finding and declaration to be given the taxpayer, together with a demand for immediate payment of the tax for the taxable period so declared terminated and of the tax for the preceding taxable year or so much of such tax as is unpaid, whether or not the time otherwise allowed by law for filing return and paying the tax has expired; and such taxes shall thereupon become immediately due and payable. In any proceeding in court brought to enforce payment of taxes made due and payable by virtue of the provisions of this section, the finding of the Commissioner or his delegate, made as herein provided, whether made after notice to the taxpayer or not, shall be for all purposes presumptive evidence of jeopardy.

(b) Reopening of taxable period.—Notwithstanding the termination of the taxable period of the taxpayer by the Commissioner or his delegate, as provided in subsection (a), the Commissioner or his delegate may reopen such taxable period each time the taxpayer is found by the Commissioner or his delegate to have received income, within the current taxable year, since a termination of the period under subsection (a). A taxable period so terminated by the Commissioner or his delegate may be reopened by the taxpayer if he files with the Commissioner or his delegate a true and accurate return of the items of gross income and of the deductions and credits allowed under this title for such taxable period, together with such other information required under this title. If the taxpayer is a nonresident, the taxable period so terminated may be reopened by him if he files, or causes to be filed, with the Commissioner or his delegate a true and accurate return of his total income derived from all sources within the State of Alabama, in the manner prescribed in this title.

(c) Abatement if jeopardy does not exist.—The Commissioner or his delegate may abate the jeopardy assessment if he finds that jeopardy does not exist. The period of limitation on the making of assessments and levy or a proceeding in court for collection, in respect of any deficiency, shall be determined as if the jeopardy assessment so abated had not been made, except that the running of such period shall in any event be suspended for the period from the date of such jeopardy assessment until the expiration of the 10th day after the day on which such jeopardy assessment is abated.

(d) when a jeopardy assessment has been as provided in subsection (a), the collection of all or any part of such assessment may be stayed by filing with the Commissioner or his delegate an approved bond conditioned upon the payment of the assessment together with applicable interest and costs of collection. The Commissioner or his delegate shall have sole discretion to approve or

disapprove the bond, but such approval shall not be unreasonably withheld.

(e) A final jeopardy assessment entered hereunder may be appealed to the appropriate circuit court of Alabama in the same manner as provided under §40-2-22, Code of Alabama 1975.

Section 28. Jeopardy Assessment—Other taxes.

(a) If the Commissioner or his delegate finds that a taxpayer designs quickly to depart from the State of Alabama or to remove his property therein, or to do any other act tending to prejudice or to render wholly or partly ineffectual proceedings to collect any tax imposed by Title 40 other than income tax, the Commissioner or his delegate may issue notice of such finding to the taxpayer by personal service or mailing to his/her last known address, together with a demand for immediate payment of the tax declared to be in jeopardy, including penalties and additions thereto and such tax, penalty, interest and additions thereto shall be immediately due and payable. A final assessment of such tax may be entered immediately and if the assessment is not paid upon such demand of the Commissioner or his delegate, the Commissioner or his delegate may forthwith issue a warrant for levy and distraint of any personal property of the taxpayer which shall be collected in the same manner and with like effect as provided under subchapter A of this Act.

(b) In the case of a tax for a current period, the Commissioner or his delegate may declare the taxable period of the taxpayer immediately terminated and may at this discretion estimate the tax liability based upon the best information obtainable. Notice of such finding and declaration shall be issued to the taxpayer in the same manner as in subsection (a).

(c) When a jeopardy assessment has been made as provided in subsection (a), the collection of all or any part of such assessment may be stayed by filing with the Commissioner or his delegate an approved bond conditioned upon the payment of the assessment together with applicable interest and costs of collection. The Commissioner or his delegate shall have sole discretion to approve or disapprove the bond, but such approval shall not be unreasonably withheld.

(d) In any proceeding in court to contest the jeopardy assessment or to enforce payment of the taxes made due and payable by virtue of the provisions of this section, the finding of the Commissioner or his delegate, made as herein provided, shall be for all purposes presumptive evidence of jeopardy.

(e) A final jeopardy assessment entered hereunder may be appealed to the appropriate circuit court of Alabama in the same man-

ner as provided under §40-2-22, Code of Alabama 1975.

SUBCHAPTER E CRIMES

Section 29. Attempt to evade or defeat tax.

Any person who willfully attempts in any manner to evade or defeat any tax imposed by this title or the payment thereof shall, in addition to other penalties provided by law, be guilty of a felony and, upon conviction thereof, shall be fined not more than \$100,000 (\$500,000 in the case of a corporation), or imprisoned not more than 5 years, or both.

Section 30. Willful failure to collect or pay over tax.

Any person required under this title to collect, account for, and pay over any tax imposed by this title who willfully fails to collect or truthfully account for and pay over such tax shall, in addition to other penalties provided by law, be guilty of a felony and, upon conviction thereof, shall be fined not more than \$10,000, or imprisoned not more than 5 years, or both.

Section 31. Willful failure to file return, supply information, or pay tax.

Any person required under this title to pay any estimated tax or tax, or required by this title or by regulations made under authority thereof to make a return, (other than a return required under Section 40-18-82, Code of Alabama 1975), keep any records, or supply any information, who willfully fails to pay such estimated tax or tax, make such return, keep such records, or supply such information, at the time or times required by law or regulations, shall, in addition to other penalties provided by law, be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$25,000 (\$100,000 in the case of a corporation), or imprisoned not more than 1 year, or both, together with the costs of prosecution. In the case of any person with respect to whom there is a failure to pay only estimated tax, this section shall not apply to such person with respect to such failure if there is no addition to tax under Section 40-18-80(d) and (e), Code of Alabama 1975, as amended, with respect to such failure.

Section 32. Fraudulent statement or failure to make statement to employees.

In lieu of any other penalty provided by law (except the penalty provided by Section 26) any person required under the provisions of Section 40-18-75, Code of Alabama 1975, to furnish a statement who willfully furnishes a false or fraudulent statement or who willfully fails to furnish a statement in the manner, at the time, and showing

the information required under Section 40-18-75, Code of Alabama 1975, or regulations prescribed thereunder, shall, for each such offense, upon conviction thereof, be fined not more than \$1,000, or imprisoned not more than 1 year, or both.

Section 33. Fraudulent withholding exemption certificate or failure to supply information.

Any individual required to supply information to his employer under Section 40-18-73, Code of Alabama 1975, who willfully supplies false or fraudulent information, or who willfully fails to supply information thereunder which would require an increase in the tax to be withheld under Section 40-18-73, Code of Alabama 1975, shall, in lieu of any other penalty provided by law, upon conviction thereof, be fined not more than \$500, or imprisoned not more than 1 year, or both.

Section 34. Fraud and false statements.

Any person who—

(1) Declaration under penalties of perjury.—Willfully makes and subscribes any return, statement, or other document, which contains or is verified by a written declaration that it is made under the penalties of perjury, and which he does not believe to be true and correct as to every material matter; or

(2) Aid or assistance.—Willfully aids or assists in, or procures, counsels, or advises the preparation or presentation under, or in connection with any matter arising under, the state revenue laws, of a return, affidavit, claim, or other document, which is fraudulent or is false as to any material matter, whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present such return, affidavit, claim or document; or

(3) Fraudulent bonds, permits, and entries.—Simulates or falsely or fraudulently executes or signs any bond, permit, entry, or other document required by the provisions of this title, or by any regulation made in pursuance thereof, or procures the same to be falsely or fraudulently executed, or advises, aids in, or connives at such execution thereof, or

(4) Removal or concealment with intent to defraud.—Removes, deposits, or conceals, or is concerned in removing, depositing, or concealing, any goods or commodities for or in respect whereof any tax is or shall be imposed, or any property upon which levy is authorized by Section 6, with intent to evade or defeat the assessment or collection of any tax imposed by this title;

shall be guilty of a felony and, upon conviction therefore, shall be fined not more than \$100,000 (\$500,000 in the case of a corpora-

tion), or imprisoned not more than 3 years, or both.

Section 35. Fraudulent returns, statements, or other documents.

Any person who willfully delivers or discloses to the Commissioner or his delegate any list, return, account, statement, or other document, known by him to be fraudulent or to be false as to any material matter, shall be fined not more than \$10,000 (\$50,000 in the case of a corporation), or imprisoned not more than 1 year, or both. Any person required pursuant to this title to furnish any information to the Commissioner or his delegate willfully furnishes to the Commissioner or his delegate any information known by him to be fraudulent or to be false as to any material matter shall be fined not more than \$10,000 (\$50,000 in the case of a corporation), or imprisoned not more than 1 year, or both.

Section 36. Failure to obey subpoena.

Any person who, being duly subpoenaed to appear to testify, or to appear and produce books, accounts, records, memoranda, or other papers, as required under Section 40-2-11(7) and (8), Code of Alabama 1975, or any other section in this title requiring the production of information, neglects or fails to appear without cause or to produce such books, accounts, records, memoranda, or other papers without cause, shall, upon conviction thereof, be fined not more than \$1,000, or imprisoned not more than 1 year, or both.

Section 37. Attempts to interfere with administration of state revenue laws—Taxpayer protection from harassment.

(a) **Corrupt or forcible interference.**—Whoever corruptly or by force or threats of force (including any threatening letter or communication) endeavors to intimidate or impede any officer or employee of the State of Alabama acting in an official capacity under this title, or in any other way corruptly or by force or threats of force (including any threatening letter or communication) obstructs or impedes, or endeavors to obstruct or impede, the due administration of this title, shall, upon conviction thereof, be fined not more than \$5,000, or imprisoned not more than 3 years, or both, except that if the offense is committed only by threats of force, the person convicted thereof shall be fined not more than \$3,000, or imprisoned not more than 1 year, or both. The term "threats of force", as used in this subsection, means threats of bodily harm to the officer or employee of the State of Alabama or to a member of his family.

(b) **Forcible rescue of seized property.**—Any person who forcibly rescues or causes to be rescued any property after it shall have been seized under this title, or shall attempt or endeavor to do so, shall, excepting in cases otherwise provided for, for every such of-

fense, be fined not more than \$500, or not more than double the value of the property so rescued, whichever is the greater, or be imprisoned not more than 2 years.

(c) Any employee of the State Revenue Department acting in an official capacity under the provisions of this title who by unlawful force or threats of force endeavors to intimidate or harass a taxpayer, upon determination by a special board to be appointed by the State Personnel Department that the charge is valid, shall be subject to immediate dismissal, and upon such dismissal may be subject to such penalties as provided under this section. The term "threats of force" as used in this subsection means threats of bodily harm to the taxpayer or to a member of his family.

Section 38. Periods of limitation on criminal prosecutions.

No person shall be prosecuted, tried, or punished for any of the various offenses arising under the revenue laws unless the indictment is found or the prosecution instituted within 3 years next after the commission of the offense, except that the period of limitation shall be 6 years—

(1) for offenses involving the defrauding or attempting to defraud the State of Alabama or any agency thereof, whether by conspiracy or not, and in any manner;

(2) for the offense of willfully attempting in any manner to evade or defeat any tax or the payment thereof;

(3) for the offense of willfully aiding or assisting in, or procuring, counseling, or advising, the preparation or presentation under, or in connection with any matter arising under, the statute revenue laws, of a false or fraudulent return, affidavit, claim or document (whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present such return, affidavit, claim, or document);

(4) for the offense of willfully failing to pay any tax, or make any return at the time or times required by law or regulations;

(5) for offenses described in Sections 34 and 35 (relating to false statements and fraudulent documents);

(6) for the offense described in Section 37 (relating to intimidation of officers and employees of the State of Alabama); The time during which the person committing any of the various offenses arising under the revenue laws is outside the State of Alabama or is a fugitive from justice within the meaning of the State of Alabama Code, shall not be taken as any part of the time limited by law for the commencement of such proceedings.

Section 39. The Commissioner of Revenue will file a report

in one year periods of the effective date of this Act for a period of five years that states the amount of additional tax money that was collected as the result of this Act. This report shall be delivered to each Legislator and each Constitutional officer.

Section 40. All laws or parts of laws which conflict with this Act are repealed.

Section 41. The provisions of this Act are severable. If any part of the Act is declared unconstitutional, such declaration shall not affect the part which remains.

Section 42. This Act shall become effective the first day of January, 1984.

Approved December 15, 1983

Time: 5:00 P.M.

Act No. 83-892

H.J.R. 86—Reps. Payne, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey, (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed,

Rice, Richardson, Rogers,
 Sasser, Seibels, Smith, Spratt,
 Starkey, Starr, Tanner,
 Thomas, Trammell, Turner,
 Turnham, Venable, Warren,
 White (F), White (G), White
 (L), Zoghby.

HOUSE JOINT RESOLUTION

COMMENDING FORMER REPRESENTATIVE J. T. WAGGONER FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE.

WHEREAS, J. T. "Jabo" Waggoner of Vestavia Hills served the State of Alabama as Representative from House District 51 from 1967 to 1983; and

WHEREAS, Representative Waggoner's legislative tenure was marked in its accomplishment and his abilities were recognized through assignment to such important committees as Ways and Means, Local Government and Local Legislation No. 2 of which he was Chairman; and

WHEREAS, Jabo Waggoner is the only person in the history of Alabama to have been elected from Jefferson County for five consecutive terms; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and express deep gratitude to Representative Waggoner for outstanding service to both House District 51 and all of Jefferson County, and to the entire State of Alabama as well.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to our distinguished former colleague, Representative Jabo Waggoner, in small token of our sincere appreciation and regard.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-893

H.J.R. 87—Rep. Payne

HOUSE JOINT RESOLUTION

COMMENDING FORMER REPRESENTATIVE DON MURPHY FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE.

WHEREAS, Representative Don Murphy of Pelham served the State of Alabama as Representative from House District 49 from 1982 to 1983; and

WHEREAS, Representative Murphy's legislative tenure was marked in its accomplishment, and his abilities were recognized through assignment to such important committees as Natural Resources, Public Welfare, Public Utilities and Transportation, Military Affairs, Small Business and Local Legislation for Jefferson County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and express deep gratitude to Representative Don Murphy for outstanding service to both House District 49 and all of Jefferson County, and to the entire State of Alabama as well.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to our distinguished former colleague, Representative Don Murphy, in small token of our sincere appreciation and regard.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-894

H.J.R. 88—Reps. Payne, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey, (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan,

McNair, Marietta, Martin,
 Mathis, Melton, Mikell,
 Mitchell, Moore, Newman,
 Nicholson, Onderdonk,
 Parker, Penry, Perdue, Poole,
 Pratt, Preuitt, Rains, Reed,
 Rice, Richardson, Rogers,
 Sasser, Seibels, Smith, Spratt,
 Starkey, Starr, Tanner,
 Thomas, Trammell, Turner,
 Turnham, Venable, Warren,
 White (F), White (G), White
 (L), Zoghby.

HOUSE JOINT RESOLUTION

COMMENDING FORMER REPRESENTATIVE VAN
 SCOTT FOR OUTSTANDING SERVICE TO THE ALABAMA
 LEGISLATURE.

WHEREAS, Doctor Van Scott of Mountain Brook served the
 State of Alabama as Representative from House District 31 from
 1982 to 1983, and

WHEREAS, Representative Scott's legislative tenure was
 marked in its accomplishment, and his abilities were recognized
 through assignment to such important committees as Health, Local
 Government and Local Legislation for Jefferson County; now
 therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,
 BOTH HOUSES THEREOF CONCURRING, That we hereby most
 highly commend and express deep gratitude to Representative Van
 Scott for outstanding service to both House District 31 and all of
 Jefferson County, and to the entire State of Alabama as well.

BE IT FURTHER RESOLVED, That a copy of this resolution
 be forwarded to our distinguished former colleague, Representative
 Van Scott, in small token of our sincere appreciation and regard.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-895

H.J.R. 89—Reps. Payne, Adams, Albright,
 Bachus, Beers, Biddle, Black,
 Blake, Blakeney, Boles,
 Bowling, Box, Brakefield,

Britnell, Brooks, Browder,
 Bryant, Bugg, Burke, Buskey
 (James), Buskey, (John),
 Butler, Campbell, Carothers,
 Carter, Clark (D), Clark (J),
 Clark (W), Coburn, Coleman,
 Cosby, Crow, Davis, Drake,
 Dutton, Escott, Faulk,
 Flowers, Ford, Fuller, Gaston,
 Goodwin, Gray, Grayson,
 Grimsley, Grouby, Hall,
 Hammett, Harper, Harvey,
 Hettinger, Holley, Holmes,
 Hooper, Horn, Johnson
 (R.G.), Johnson (Roy),
 Junkins, Kennedy, Kvalheim,
 Laird, Lauderdale, Lindsey,
 McDowell, McKee, McMillan,
 McNair, Marietta, Martin,
 Mathis, Melton, Mikell,
 Mitchell, Moore, Newman,
 Nicholson, Onderdonk,
 Parker, Penry, Perdue, Poole,
 Pratt, Preuitt, Rains, Reed,
 Rice, Richardson, Rogers,
 Sasser, Seibels, Smith, Spratt,
 Starkey, Starr, Tanner,
 Thomas, Trammell, Turner,
 Turnham, Venable, Warren,
 White (F), White (G), White
 (L), Zoghby.

HOUSE JOINT RESOLUTION

COMMENDING FORMER REPRESENTATIVE JARUSHIA THORNTON FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE.

WHEREAS, Representative Jarushia (Jeri) Thornton of Birmingham served the State of Alabama as Representative from House District 44 from 1982 to 1983; and

WHEREAS, Representative Thornton's legislative tenure was marked in its accomplishment, and her abilities were recognized through assignment to such important committees as Judiciary, Business and Labor, and Local Legislation for Jefferson County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and express deep gratitude to Representative Jeri Thornton for outstanding service to both House District 44 and all of Jefferson County, and to the entire State of Alabama as well.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to our distinguished former colleague, Representative Jarushia Thornton, in small token of our sincere appreciation and regard.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-896

H.J.R. 90—Reps. Payne, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey, (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner,

Thomas, Trammell, Turner,
Turnham, Venable, Warren,
White (F), White (G), White
(L), Zoghby.

HOUSE JOINT RESOLUTION

COMMENDING FORMER REPRESENTATIVE ROBERT C. GAFFORD FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE.

WHEREAS, Robert C. Gafford of Birmingham served the State of Alabama as Representative from House District 33 from 1966 to 1983; and

WHEREAS, Representative Gafford's legislative tenure was marked in its accomplishment, and his abilities were recognized through assignment to such important committees as Judiciary, Constitution and Elections, Local Legislation No. 2, and Banking, on which he served as Chairman; and

WHEREAS, Bob Gafford has been voted the hardest working member of the House of Representatives by the Capitol Press Corps and the Alabama Press Association; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and express deep gratitude to Representative Gafford for outstanding service to both House District 33 and all of Jefferson County, and to the entire State of Alabama as well.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to our distinguished former colleague, Representative Gafford, in small token of our sincere appreciation and regard.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-897

H.J.R. 93—Reps. Rains, Burke, Browder

HOUSE JOINT RESOLUTION

COMMENDING MR. AND MRS. JAMES ALLEN JOHNSON ON THEIR 50TH WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the Golden Wedding Anniversary, October 26, 1983, of Mr. and Mrs. J. E. (Jim) Johnson of Jacksonville, Alabama; and

WHEREAS, in the sight of God, James Allen Johnson and Ola

Shirey were joined in wedlock on October 26, 1933, near Fyffe in DeKalb County and these two fine people, forsaking all others, have remained in said Holy state for 50 years; and

WHEREAS, adhering to Biblical admonition, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their marriage vows, setting an example to be emulated by young couples who also pledge themselves to one another until parted by death; and

WHEREAS, Mr. and Mrs. Johnson are the parents of three children and the loving grandparents of seven wonderful grandchildren and two fine great-grandchildren; and

WHEREAS, Mr. Johnson, a former merchant, farmer, and school teacher, also served for six years as chief clerk in the DeKalb County Probate Judge's office, and served one six-year term as Probate Judge; he and his wife Ola, a homemaker, have been members of the Baptist Church for more than 50 years and currently are members of the First Baptist Church of Jacksonville; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary couple of Jacksonville, Alabama, and wish them many more happy years together in their union blessed by God, and a marriage of Christian dedication and morality.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. and Mrs. Johnson that they may know of our congratulations and warm best wishes.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-898

H.J.R. 94—Rep. White (F.)

HOUSE JOINT RESOLUTION

COMMENDING MR. AND MRS. RUFUS WHITE OF POLLARD, ALABAMA, ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

WHEREAS, the Alabama House of Representatives notes with pleasure the Golden Wedding Anniversary on October 14, 1983, of Mr. and Mrs. Rufus White of Pollard, Alabama; and

WHEREAS, Mr. Rufus White and his lovely bride, Mary Elizabeth, were united in marriage on October 14, 1933 in Brewton, Ala-

bama, and have remained in said holy state for the past 50 years; and

WHEREAS, they have lived their lives as one and, in devotion each to the other, have remained steadfastly faithful to their marriage vows, setting an enviable example to others; and

WHEREAS, Mr. and Mrs. White are the parents of four sons and the loving grandparents of 12 grandchildren and two great grandchildren, all of whom were in attendance, along with more than 200 other family members and friends on October 16 when the couple was honored at a reception hosted by their children: Mr. and Mrs. Rufus Donald White, Mr. and Mrs. Frank Paul White, Mr. and Mrs. Charles Michael White and Mr. and Mrs. John Douglas White; now therefore,

BE IT RESOLVED BY THE Legislature of Alabama, Both Houses thereof concurring, That we join with the family and friends in congratulating this exemplary Escambia County couple, Mr. and Mrs. Rufus White, and wish them many more happy years together.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. and Mrs. White that they may know of our congratulations and sincere best wishes for every future happiness together.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-899

H.J.R. 96—Reps. Zoghby, Turner,
Marietta, Gaston,
Box, Buskey (James),
Kennedy, Clark (W.),
Kvalheim, Harper

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MRS. CORNELIA McDUFFIE TURNER OF MOBILE, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Alabama Legislature notes the death of Mrs. Cornelia McDuffie Turner of Mobile, Alabama, in August 1983; and

WHEREAS, though a Mobile native, Mrs. Turner's early years were spent in Washington, D.C., while her father was serving in Congress as U. S. Representative from Alabama's First Congressional District; and

WHEREAS, Mrs. Turner, who attended Holton Arms School in

Washington and Sweetbriar College, returned to Mobile with her family in 1936; and

WHEREAS, a former debutante and Mardi Gras Queen, Mrs. Turner also was a former columnist whose column "Chit Chat," which she began writing from her home in 1947, was featured for many years in the Mobile Press-Register; at the time of her death she was serving as editor of the paper's Living Today section and as editor of the monthly Port City Magazine, produced by the Press-Register; and

WHEREAS, Mrs. Turner's activities and involvement, however, far transcended her journalistic accomplishments, encompassing numerous areas of civic concern; and

WHEREAS, she was an organizer of both the Camellia Ball and the America's Junior Miss Pageant, and was a member of the Mobile Junior League for a number of years; she further served as president of many civic and social organizations including the Mobile Chapter of the Society of Professional Journalists, Sigma Delta Chi, Alabama Women's Press Association and the Mobile County Mental Health Association, among others; and

WHEREAS, Mrs. Turner was most particularly a supporter of the Arthritis Foundation which acknowledged her service both through national recognition and through the establishment of a Cornelia McDuffie Turner Fellowship for research at the University of South Alabama; and

WHEREAS, she further was the recipient of such prestigious awards as Mobile First Lady of 1980 and the Distinguished Service Award in 1972 of the Alabama Historical Commission; and

WHEREAS, in the death of Cornelia McDuffie Turner, the City of Mobile has indeed lost a dear friend whose life in service to others will for years be reflected in her legacy of accomplishment on behalf of her beloved hometown; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mrs. Cornelia McDuffie Turner of Mobile, Alabama, and extend our very deepest sympathy to her children and other family members to whom a copy of this resolution shall be sent in expression of our shared sorrow in their great and grievous loss.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-900

H.J.R. 100—Reps. Ford, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey, (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Zoghby

HOUSE JOINT RESOLUTION

RECOGNIZING DECEMBER 7, AS PEARL HARBOR DAY.

WHEREAS, on December 7, 1941, at 7:55 a.m. local time while peace negotiations were going on with Japanese representatives in Washington, Japanese carrier-based planes swept in without warn-

ing over Oahu and in a surprise attack, attacked the bulk of the United States Pacific fleet, moored in Pearl Harbor; and

WHEREAS, nineteen navel vessels, including eight battleships, were sunk or severely damaged and 188 United States aircraft were destroyed; and

WHEREAS, our military casualties were 2,280 killed and 1,109 wounded and 68 civilians were also killed on this day of infamy in 1941; and

WHEREAS, as a result, on December 8, 1941, the United States declared war on Japan; and

WHEREAS, the United States ultimately succeeded in a military victory over Japan; and

WHEREAS, Pearl Harbor is now a national historic landmark where a memorial has been built over the sunken hulk of the USS Arizona; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That forty-two years later we recognize this day, December 7, as Pearl Harbor Day, in memory of those who gave their lives at Pearl Harbor in defense of our country.

BE IT FURTHER RESOLVED, That this day should stand as a warning that this country should never again be caught off guard in the defense of its shores, and in defense in the principals of freedom.

BE IT FURTHER RESOLVED, That copies of this resolution shall be sent to the President of the United States, to the Secretary of Defense of the United States and to all of the members of the Alabama Congressional Delegation in Washington, D.C., as an expression of the Legislature of Alabama and the people whom we represent, that this country should always maintain its military superiority in order to discourage and prevent any such acts of aggression that might be contemplated by another foreign power.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-901

H.J.R. 111—Rep. White (F)

HOUSE JOINT RESOLUTION

COMMENDING THE ESCAMBIA COUNTY HIGH SCHOOL
BLUE DEVILS, STATE 3A FOOTBALL CHAMPIONS.

WHEREAS, the Alabama Legislature extends heartiest congratulations to the Escambia County High School football team as State 3A Champions for 1983, by virtue of their 14-0 victory over Emma Sansom High; and

WHEREAS, under Head Coach Buck Powell and his assistants, Coaches Frankie Bell, Mickey Cannon, Melvin Middleton, David Nolin and Cornell Torrence, the Blue Devils finished the season with a phenomenal 13-2 record, including the playoffs, and with 8 shut-out games to their credit; and

WHEREAS, it is further to be noted that the '83 Devils won more games in a season than ever before in the history of Escambia County High, scoring a season total of 345 points, or an average of 23 points per game; their defense allowed a mere 76 total season points, or 5.06 per game; and

WHEREAS, in addition to the 3A State Title, the Escambia County High Blue Devils also were Area 2, Region 1 and South Alabama Champions with 18-14, 23-0 and 27-0 "wins" over Thomasville, Eufaula and Demopolis respectively; and

WHEREAS, the 1983 Blue Devil State Champs are: Teaster Johnson, Vincent Norman, Thomas Montgomery, Mernard Grant, O. J. Robinson, Leroy Knight, Stephen Freeman, Mike Sutton, Fred Stotts, Jimmy Cunningham, Danny Crenshaw, Mike Coley, Andre Williams, Jimmy Dean, Bernard Grant, Darron Jenkins, Murry Hill, Kelvin Williams, Jerry McMillan, Greg Staples, Douglas Knight, Jon Oliver, Greg Robinson, Robert Wilson, Todd Sanspree, Bobby McPherson, Johnny Wilson, Darrell Johnson, Larry Flurnoy, Ken Brewton, Tim Dickerson, Roger Smith, Chris Walker, Rusty Slate, Darwin Robinson, Charles Staples, Michael Tucker, Anthony Bishop, Joe Craft and Mike Likely; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we enthusiastically congratulate and commend Escambia County High as Champions of State 3A Football for 1983.

BE IT FURTHER RESOLVED, That the Blue Devils receive a copy of this resolution, forwarded to Coach Powell and his staff, with a copy also sent to Principal Thomas A. Plash for appropriate school display.

Approved December 21, 1983

Time: 5:20 P.M.

Buskey (James), Buskey
(John), Bryant, Thomas

HOUSE JOINT RESOLUTION

COMMENDING THE REVEREND PETER JAMES KIRKSEY OF GREENE COUNTY, ALABAMA.

WHEREAS, it is with a sense of great pride that the Legislature of Alabama notes the numerous achievements of the Reverend Peter James Kirksey of Greene County, Alabama; and

WHEREAS, in 1966, Reverend Kirksey, a prominent black civil rights activist, announced his candidacy for membership on the Greene County Board of Education; and

WHEREAS, when the ballots were counted, Reverend Kirksey emerged as the first black public office holder in the county since the days of Civil War Reconstruction; and

WHEREAS, during his tenure on the Board, he was instrumental in establishing the first vocational institution in Greene County; in 1979, this institution was named the Peter James Kirksey Area Vocational Center; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most deeply commend and congratulate the Reverend Peter James Kirksey, of Greene County, Alabama, on his many contributions to our State and direct that a copy of this resolution be sent to him as evidence of our high esteem and warmest personal regard.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-903

H.J.R. 114—Reps. Mitchell, Poole,
Johnson (Roy),
Melton, Brakefield

HOUSE JOINT RESOLUTION

DESIGNATING TUSCALOOSA, ALABAMA, AS THE OFFICIAL SITE OF THE ANNUAL ALABAMA STATE FIDDLE CHAMPIONSHIPS AND BLUE GRASS FESTIVAL.

WHEREAS, the first annual Alabama State Fiddle Championships and Bluegrass Festival will be held August 17-18, 1984, with Tuscaloosa as the host city for the big event; and

WHEREAS, for the purpose of promoting and perpetuating

"old time" music and dancing, the two-day festival will include contests in guitar, fiddle, banjo, mandolin, bands and buck dance, in various age groups, to decide state championships in all categories; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate the first host city, Tuscaloosa, Alabama, as the official site of the Annual Alabama State Fiddle Championships and Bluegrass Festival, beginning in August 1984 and forever thereafter.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-904

H.J.R. 117—Reps. Albright, Cosby,
Hettinger

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That House Bill 21, Act No. 83-576 of the 1983 Regular Session, which Act exempts diesel fuel used by agricultural equipment from sales tax, is hereby named the "Hall-Mitchem Act".

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-905

H.J.R. 126—Rep. Bowling

HOUSE JOINT RESOLUTION

COMMENDING THE REVEREND HAROLD G. HERMETZ OF SAINT PAUL'S LUTHERAN CHURCH, CULLMAN, ALABAMA, FOR 25 YEARS OF OUTSTANDING SERVICE TO THE LUTHERAN MINISTRY.

WHEREAS, it is with great pleasure, and in sincere commendation, that the Legislature of Alabama, recognizes the Reverend Harold G. Hermetz of Saint Paul's Lutheran Church, Cullman, Alabama, on the 25th Anniversary of his graduation from Concordia Lutheran Theological Seminary and on the 25th Anniversary of continuous outstanding service to the Lutheran Ministry; and

WHEREAS, Reverend Hermetz graduated Summa Cum Laude with a Master of Divinity degree 25 years ago in the largest graduat-

ing class ever from Concordia Lutheran Theological Seminary, Saint Louis, Missouri; and

WHEREAS, 25 years ago on August 3, 1958, Reverend Hermetz was ordained a minister in the Lutheran faith at a Lutheran Church-Missouri Synod Parish which he established named Atonement Lutheran Church in Metairie, Louisiana, which now boasts over 1,000 members; and

WHEREAS, Reverend Hermetz also founded parishes in Greenwood and Cleveland, Mississippi, respectively named Christ the King Lutheran Church and Good Sheperd Lutheran Church, while fulfilling his call at Faith Lutheran Church, Greenville, Mississippi, where he was appointed to serve on the Greenville Human Rights Council during Southern racial unrest in the mid-1960's; and

WHEREAS, Reverend Hermetz, a native of Foley, Alabama, and honors graduate of Foley High School and Concordia Lutheran College, Austin, Texas, has been pastor of Saint Paul's Lutheran Church, Cullman, Alabama, for the past 18 years being only the second pastor in Saint Paul's 98-year history to serve such an extended period of time; and

WHEREAS, as pastor of Saint Paul's, Reverend Hermetz has brought a great deal of honor and distinction to Saint Paul's Lutheran Church through his successful ministering of the congregation's needs, most notably, the fund raising and construction of a half a million dollar church facility dedicated in 1970 and by increasing Saint Paul's membership from approximately 600 members in 1965 to over 1,000 in 1983; and

WHEREAS, Reverend Hermetz has further aided the growth of Saint Paul's Lutheran Church by a complete revision of the church's constitution as well as a restructuring of the church's administration; and

WHEREAS, Reverend Hermetz has further brought honor and distinction to Saint Paul's by serving as President of the Cullman County Ministerial Association and as leader of the North Alabama Area Delegation of Lutheran Churches, Circuit 8, representing Saint Paul's and Circuit 8 at numerous conferences including regional and national conventions, and as Chairman of the Parish Education Committee of the Southern District of the Lutheran Church-Missouri Synod; and

WHEREAS, Reverend Hermetz has brought additional honor and distinction to the Lutheran Church by his active participation in community service and organizations such as his leadership as President of the Cullman County Association for Retarded Citizens, President of the Cullman High School Parent-Teachers Association,

President of the Cullman Toastmasters Club, President of the Cullman Swim Team Parents Association, Secretary of the Greenville, Mississippi Lions Club, two-term First Vice President of the Cullman County Chamber of Commerce, two-term Secretary of the Cullman High School Quarterback Club, member of the Cullman Community Concerts Board of Directors, and as a member of the North-Central Alabama Mental Health Board of Directors; and

WHEREAS, Reverend Hermetz's 25 years of round-the-clock Christian counsel seven days a week, 365 days a year, has resulted in his performing 315 baptisms, 201 marriages and 174 funeral services; and

WHEREAS, Reverend Hermetz is a noted leader in his profession as well as the community in which he works professionally and communities which he has worked professionally the past 25 years encompassing three states; and

WHEREAS, Reverend Hermetz has served as an exemplar of Christianity to thousands of people by his outstanding performance as a minister and community leader thereby encouraging many nonchurchgoers to attend church as well as encouraging numerous people to pursue careers in the Lutheran ministry as teachers, missionaries or ministers; and

WHEREAS, Reverend Hermetz is held in highest regard by his peers, former students, former classmates and former congregations and indeed by a grateful congregation in the name of Saint Paul's Lutheran Church and by a grateful citizenry in the name of Cullman and Cullman County, Alabama, for his contributions to the profession he has served with distinction and dedication, and with a firm commitment to the furtherance of Christianity and the overall spiritual growth of all God's people better enabling them to live and work well with one another; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein express sincere commendation of the Reverend Harold G. Hermetz on the 25th Anniversary of his graduation from Concordia Lutheran Theological Seminary, Saint Louis, Missouri, for outstanding professional achievement in the Lutheran Ministry as exhibited by 25 years of unparalleled service and accomplishment.

BE IT FURTHER RESOLVED, That in token of our utmost esteem, a copy of this resolution shall be presented to Reverend Hermetz and to the President of Saint Paul's Lutheran Church Congregation, Robert Teichmiller, by fellow church member, the Honorable Representative W. C. "Bill" Bowling, sponsor of this resolution, at the proper time and place so as to show the members of Saint

Paul's as well as members of the community in which Reverend Hermetz lives and, indeed, the Hermetz Family, our sincere warm praise and regard.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-906

H.J.R. 130—Rep. Campbell

HOUSE JOINT RESOLUTION

RELATING TO THE BINDING OF THE ACTS AND JOURNALS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Acts and Journals of the 1983 3rd Special Session, 1983 4th Special Session and any other legislative sessions convened prior to the 1984 Regular Session shall be bound together. The Acts and Journals of the 1984 Regular Session shall not be bound with the aforementioned legislative sessions.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-907

S.J.R. 54—Senator Teague

SENATE JOINT RESOLUTION

STATING AND CLARIFYING LEGISLATIVE INTENT AND RECOMMENDING ACTION TO THE UNIVERSITY OF SOUTH ALABAMA BOARD OF TRUSTEES AND FOUNDATION.

WHEREAS, the Legislature of the State of Alabama is and has been faced with a serious problem involving a creature of the Legislature, that being the University of South Alabama, and its claims to ownership of certain "tide lands" previously owned by the State of Alabama, and

WHEREAS, the Legislature of the State of Alabama, both houses concurring, feel that the sense of the Legislature should be expressed to the University of South Alabama, its board of trustees, and the University of South Alabama Foundation and its directors and/or trustees, along with the general public of the State of Alabama, and,

WHEREAS, the Legislature of the State of Alabama, both houses concurring, does hereby find and determine that the following facts;

The University of South Alabama is a public educational institution established and created by the Legislature of the State of Alabama, pursuant to the provisions of Acts 1963, 2nd Ex. Sess., No. 157 P. 350 (section 16-55-1, et seq., Code of Alabama, (1975)). It is principally supported by public funds appropriated by said Legislature. As such the University of South Alabama is a creature of the Legislature of the State of Alabama.

A. In approximately July, 1972, officials at the University of South Alabama (hereinafter referred to as the "University") approached officials of the Department of Conservation, of the State of Alabama, with regard to certain claims which the University wished to assert relating to a defunct ship channel across a small portion of Mobile Bay, commonly known as "Grant's Pass." The University claimed to own the land on the bottom of Mobile Bay, across which "Grant's Pass" once ran. Although this defunct channel known as "Grant's Pass" consisted of no more than five acres of land, the University claimed ownership of a total of 15,457 acres of "tide lands" beneath Mobile Bay.

B. By virtue of congressional action and decisions of the United States Supreme Court, the various states have historically owned lands beneath their navigable waters, and thus the State of Alabama owns the lands (tide lands) lying beneath Mobile Bay.

C. The circumstances out of which the University asserts ownership to the lands referred to as "Grant's Pass" is as follows:

In 1839 the Legislature of Alabama adopted Act No. 109, granting to one John Grant a franchise (license) to enter upon and take possession of sufficient tide lands as might be necessary to cut or excavate a channel of sufficient depth and width to afford good and safe passage for steamboats and other vessels in trade between Mobile Bay and other places on the Gulf of Mexico. This Act gave Grant the right to collect certain specified tolls on boats traveling through the channel. The franchise was for a period of 25 years during which Grant had exclusive rights and privileges of constructing and operating the channel, as described. The University alleges that following Grant's death in 1887, all of his property, including his interest in "Grant's Pass" was ordered sold by the probate court of Mobile County. It is alleged that this interest in Grant's Pass was thereafter conveyed by Mesne Conveyances until it was acquired by the University of South Alabama in 1974. This is contended even though John Grant never held title to this property nor was title ever claimed in or by John Grant. It is the University's further con-

tention that John Grant and his successors possessed "Grant's Pass" adversely, so the University is now the owner of the channel, in fee simple, by virtue of adverse possession.

D. The director of the State Lands Division, Department of Conservation, concluded that the evidence relied upon to establish adverse possession of Grant's Pass, by John Grant and successors in interest, was insubstantial, and the claim was without merit. Further, the director of State Lands concluded that even if there were some arguable evidence to support the claim that Grant and his successors had acquired ownership rights of Grant's Pass by adverse possession, that the area comprised not more than 50 acres; that there was no creditable evidence whatsoever that Grant had ever claimed to own 15,457 acres of tide lands beneath Mobile Bay; and that the University of South Alabama's claim to own such acreage as the successor in interest to John Grant, bordered upon being frivolous. The opinion and recommendation of director of State Lands, in this respect, were communicated to the University of South Alabama, to the former Governor of this State, and to the Attorney General of this State.

E. That on or about December 13, 1982, Attorney General Graddick transmitted to the then Governor an opinion stating that "proof of adverse possession under color of title has been made to the satisfaction of the Attorney General. . . ." The tract of land described in this opinion consisted of 7,664 acres. It appears to the Legislature that there could be no apparent justification for finding adverse possession under color of title to only one half of the claimed 15,457 acres as opposed to the full tract claim. It also appears to the Legislature to be an impossibility for Grant's Pass which was apparently less than 50 acres in size to have been expanded into a claim of 7,664 acres or 15,457 acres. On the same date, that then Governor issued a patent granting the said 7,664 acres tract to the University, against the advice of the State Lands Division of the Department of Conservation.

F. On February 16, 1983, the University filed its complaint in the Circuit Court of Mobile County, Alabama, against the Commissioner of Conservation and the Director of State Lands seeking a declaratory judgement and a bill to quiet title, establishing its title to the aforesaid tide lands beneath Mobile Bay. The officials of the Conservation Department, joined by Governor George C. Wallace, as intervenor, filed their counterclaim for declaratory judgment to set aside the aforesaid patent to the University, upon the grounds, inter alia, that as a matter of law the State of Alabama had not lost title to the said lands; that the conveyance of the lands for no consideration is illegal and void, that the conveyance of the land was arbitrary, capricious and without any legal permissible basis; that

under no reasonable construction of the applicable facts can it be legitimately concluded that the State had lost title by adverse possession of the said tide lands; that the conveyance of the land to the University of South Alabama constituted an abuse of official discretion by the then Governor and the Attorney General; and that unless the conveyance is set aside, the State of Alabama and its citizens will be deprived of the use and benefit of this property, including the potentially large revenues from the exploration and production of oil, gas and other natural resources, and that the same will be diverted to the use of a single institution, in Mobile County, serving a relatively minor portion of the citizens of the State of Alabama. The original lawsuit was transferred to the Circuit Court of Montgomery County, Alabama, where it is still pending. Since commencing this original action, the University has filed two additional lawsuits in federal court attempting to validate the patent. The University thus is proceeding with three different items of litigation, incurring three different sets of attorneys' fees and, in fact, has secured representation of Honorable Griffin Bell former Attorney General of the United States, whose law firm and law practice is not normally in the State of Alabama. All of this at a tremendous expense to the citizens of the State of Alabama.

G. The 7,664 acres of submerged tide lands deeded to the University lies within the lower Mobile Bay gas field. Experts in oil and gas exploration have estimated that the lower Mobile Bay gas field contains at least 600,000,000,000 cubic feet of natural gas. If only a 10 percent fraction of that gas lies under the lands allegedly given to the University of South Alabama, it could have a potential value in excess of \$300,000,000. During 1981 major oil companies leased from the State of Alabama the right to explore for oil and natural gas in parts of lower Mobile Bay, Mississippi Sound, and the Gulf of Mexico. Pursuant to competitive lease bids, these companies paid the State of Alabama approximately \$450,000,000 plus guaranteed royalty interests of not less than 25 percent, on future production. All of the land producing these revenues lies within a 12 miles radius of the lands allegedly given to the University of South Alabama constitute what has been described as the most valuable potential oil and gas area still unleased with Alabama waters.

H. On July 11, 1983, while the aforesaid action was still pending, the University executed a deed, attempting to convey the subject property to a corporation known as the "University of South Alabama Foundation" (hereinafter referred to as the "Foundation"). The articles of incorporation of the Foundation, recorded in the Office of the Judge of Probate of Mobile County, Alabama, require that the board of directors of the foundation shall consist of the President of the University, the Vice Chairman of the University's

board of trustees, and three members of the University's board of trustees. The corporate purpose reflects that the reason for the existence of the Foundation is to provide financial support and other benefits for the University of South Alabama. The articles of incorporation further provide that the Foundation is prohibited from adopting or carrying out any policy or principle in the administration of the Foundation which shall be deemed undesirable by the President of the University of South Alabama. The deed of July 11, 1983, by which the University deeded to the Foundation, its claim to the subject property, recites that the conveyance to use the net returns from the land for the general benefit of the University of South Alabama.

1. The Legislature acknowledges that it is not within the province of the Legislature, but instead within the province of the judiciary only, to resolve the legal questions presented by the foregoing circumstances. However, the Legislature has, determined that it is the duty and responsibility of the Legislature to establish policies and to take action, pursuant to which taxpayers' funds are to be allocated, and to determine the amounts of public funds to be provided to various state educational institutions, based upon their needs and other circumstances. The Legislature also finds that it is the duty and responsibility of the Legislature to manage and supervise all state entities within its control in a fashion to best benefit the state and its citizens as a whole, and

WHEREAS, the Legislature deems that it is ultimately responsible to all of the citizens of the State of Alabama to ensure reasonable, responsible, fair, and equitable management of all state resources for the purpose of meeting all of the Legislature's responsibilities to the entire state and all of its citizens,

NOW, THEREFORE, Based upon these facts and considerations, and for other related considerations,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we find and instruct as follows;

1. That the University of South Alabama is a creature of the Legislature of the State of Alabama and as such is responsible to the Legislature in all respects, including both its board of trustees, and the University of South Alabama Foundation.

2. That the tide lands of the State of Alabama cannot be adversely possessed and that no person, firm, or corporation can gain title to said lands by adverse possession.

3. That the tide lands of the State of Alabama belong exclusively to all citizens of the State of Alabama.

4. That the actions of the University of South Alabama through its board of trustees and through its University of South Alabama Foundation board of directors, in refusing to transfer subject property back to the State of Alabama, is an irresponsible and improper action and, future failures to act responsibly in this regard will be considered as an insult to the legislative and executive branches of state government.

5. That the actions of the administration and board of trustees of the University of South Alabama has had and is having a divisive effect on the State of Alabama and is causing unnecessary conflict among citizens and areas of this state.

6. That the actions of the University of South Alabama's administration and board of trustees is unreasonably costing the taxpayers of this state tremendous amounts of attorneys' fees and litigation expenses which the state can ill-afford in normal economic times much less in times when so many individuals of this state are suffering as a result of poor economic conditions.

7. That if, in fact, the subject lands are valuable to the extent estimated by the experts, that the profits and proceeds from these tide lands should be used by the Legislature of the State of Alabama to solve financial problems of this state through all parts of the state and to many different state entities, including education, highways, medicaid, mental health, corrections, pensions and security, and many other legitimate state purposes.

8. That the use of these funds by the Legislature, to meet needs of the entire state will likely avoid the necessity of additional taxes being placed upon the citizens of this state.

9. The intent of this Legislature is clearly expressed by the passage of S.B. 1, which was, among other things intended to be an expression of the "sense of the Legislature" on this point.

10. That no creature of state government should nor will be allowed to act independently and in opposition to the wishes of the Legislature of the State of Alabama.

11. That the Legislature directs and instructs the University of South Alabama, its administration, its board of trustees, and the board of directors to the University of South Alabama to immediately and without further delay take all actions which might be required, to transfer any and all title and claims to title which they may hold, or claim to hold, back to the State of Alabama, and to end all of this unreasonable and unnecessary litigation expense and divisiveness which this matter has caused.

BE IT FURTHER RESOLVED, That the Legislature of the

State of Alabama will consider it as an extreme act of irresponsibility and an affront to both the legislative and executive branches of government if immediate action is not taken to carry out the obvious wishes of the Legislature with regard to these problems and the Legislature will closely review this matter at the next session of the Legislature or the next general session of the Legislature and will take whatever action it deems appropriate at such time, should the University of South Alabama, its administration, trustees, and the board of directors of the University of South Alabama Foundation fail to act responsively to these instructions herein contained.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-908

S.J.R. 10—Senator Foshee

SENATE JOINT RESOLUTION

JOINT INTERIM COMMITTEE TO STUDY PARKING FACILITIES IN CAPITOL COMPLEX.

WHEREAS, there is an urgent need for expanded parking facilities in the state capitol complex area in Montgomery, Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim legislative committee, which shall be named the "Joint Interim Parking Facility Study Committee," which shall study the feasibility of expanding the parking facilities in the state capitol complex in Montgomery. The committee shall be composed of six (6) members; three (3) senate members appointed by the Lieutenant Governor and three (3) house members appointed by the Speaker. The committee shall select from among its number a chairman, and shall meet upon the chairman's call. The committee shall report its findings and suggestions to the Legislature not later than the fifth (5th) legislative day of the 1985 Regular Session.

Members shall receive the normal legislative compensation, expense allowance and per diem for each day they meet, provided that they shall not be paid while the legislature is in session. It is also further provided that in no event shall the total expenses of the committee exceed \$1,000. The clerk of the house and secretary of the senate shall provide such materials and clerical help as are required for the committee to conduct its meetings.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-909

S.J.R. 14—Senators Goodwin, Aldridge, Amari, Bailey, Barron, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Hand, Hilliard, Holmes, Langford, Little, Menton, Mitchem, Parsons, Pearson, Sanders, B. Smith, J. Smith, Strong and Teague

SENATE JOINT RESOLUTION

WISHING SENATOR ROGER BEDFORD, JR., ALL GOOD WISHES FOR A SPEEDY AND COMPLETE RECOVERY.

WHEREAS, the Legislature of Alabama expresses deep regret and concern in the illness of state Senator Roger Bedford, Jr., who is suffering from a broken neck and remains hospitalized at Carraway Methodist Medical Center in Birmingham, Alabama; and

WHEREAS, Senator Bedford's illness is an experience of shared distress by all citizens of our state who are ever mindful and deeply appreciative of the outstanding contributions Senator Bedford has made not only to the Legislature of Alabama but to all of Alabama, as well; and

WHEREAS, we are pleased to hear that the prognosis at this time is very encouraging though his complete recovery will of course take time; and

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we sincerely and deeply regret the illness of Senator Roger Bedford, Jr., and do most earnestly beseech his early and complete recovery in the shortest possible time.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Senator Bedford that he may know of our warm best wishes for him and for his family during his illness.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-910

S.J.R. 18—Senators Figures and Bedsole

SENATE JOINT RESOLUTION

**COMMENDING MURPHY HIGH SCHOOL OF MOBILE,
STATE 4A FOOTBALL CHAMPIONS FOR 1983.**

WHEREAS, Murphy High School took its place in state football history on December 2, 1983, drowning previously unbeaten Austin High, 7-0, to claim the State 4A Crown and to become Mobile's first Championship team since the playoffs were initiated in 1966; and

WHEREAS, within the rain-soaked confines of Birmingham's Legion Field, Murphy's big victory gave the Panthers a perfect 14-0 season, and the roar of their faithful fans, some 5,000 strong, echoed the length of I-65 from Birmingham South to Mobile; and

WHEREAS, leading the Murphy Cats to the playoffs and their successful bid for the 4A State Title, was Head Coach Larry Henderson whose awesome '83 team and their opponents were the first two 4A unbeaten, untied teams ever to face each other in the championship game; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,
BOTH HOUSES THEREOF CONCURRING,** That we hereby most heartily congratulate and commend Coach Larry Henderson and the Murphy High School Panthers, State 4A Football Champions for 1983.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coach Henderson on behalf of his staff and team with a copy also provided for appropriate display at Murphy High School in Mobile.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-911

S.J.R. 19—Senator Dial

SENATE JOINT RESOLUTION

COMMENDING THE COLLINSVILLE PANTHERS FOOT-

BALL TEAM FOR ITS OUTSTANDING SEASON.

WHEREAS, the Collinsville Panthers football team won the Area 12, Region 6 Class 1A Championship this past season with an outstanding 10-0 regular season record; and

WHEREAS, the 1983 Panthers were the first team with a perfect regular season record in the school's history; and

WHEREAS, this fine team advanced to the semi-finals of the state class 1A playoffs and posted an outstanding final record of 12 wins and 1 loss; and

WHEREAS, Head Coach Raymond Weaver and assistant coaches Johnny Edwards, Neil Thrash and Greg Meadows are due much credit not only for the sharp execution which this team displayed throughout the season but also for its class, courage, spirit and will to win; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend the 1983 Collinsville Panthers football team for its outstanding record.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to principal Samuel Clanton, head coach Raymond Weaver, his assistant coaches and each team member.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-912

S.J.R. 20—Senator Little

SENATE JOINT RESOLUTION

EXPRESSING COMMENDATION AND SUPPORT OF THE INAUGURAL RUSSELL ATHLETIC BOWL, THE FIRST NATIONAL POP WARNER FOOTBALL CHAMPIONSHIP.

WHEREAS, Pop Warner Football was founded in 1929 in Philadelphia, taking its name and inspiration from the legendary Coach Scobey "Pop" Warner; and

WHEREAS, Pop Warner Football consists of 401 leagues, 6213 teams in the United States and Mexico and involves more than 200,000 scholar-athlete participants; and

WHEREAS, as a national extension of this outstanding program of heretofore regional bowl games and festivities, Russell Corporation of Alexander City, Alabama, has joined forces with Pop

Warner Football to create The Russell Athletic Bowl, the first ever national football championship event to promote and award academic excellence among our nation's youth; and

WHEREAS, The Russell Athletic Bowl will be an annual event with the corporation helping to establish scholarships for worthy Pop Warner athletes in recognition of their achievement and as an investment in the future of our nation; and

WHEREAS, the inaugural Russell Athletic Bowl for The Pop Warner National Academic/Football Championship will be held December 10, 1983, in Alexander City and will consist of games in the Peewee, Junior and Midget Divisions with participating teams, this first year, established according to division finish as well as scholastic standing within their 4-region areas; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express consensus of support, encouragement and commendation of The Russell Athletic Bowl, the first ever national Pop Warner Football Championship, an historic event for the entire State of Alabama.

BE IT FURTHER RESOLVED, That copies of this resolution shall be provided for Pop Warner Little Scholars, Inc., and for The Russell Corporation of Alexander City, Alabama, for their joint efforts in bringing national recognition to the youthful scholar-athletes of America.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-913

S.J.R. 21—Senators Bennett, Amari and Cabaniss

SENATE JOINT RESOLUTION

CONGRATULATING BROOKWOOD MEDICAL CENTER ON ITS 10TH ANNIVERSARY.

WHEREAS, Brookwood Medical Center, the world's largest proprietary health care facility, recently celebrated its 10th anniversary; and

WHEREAS, Brookwood Medical Center grew from 288-bed community hospital to a 586-bed major referral center; and

WHEREAS, Brookwood is recognized as one of the Alabama's most outstanding and best equipped hospitals, staffed by many phy-

sicians and health care professionals of national reputation; and

WHEREAS, As a strong corporate citizen of Homewood, Jefferson County, and Alabama, Brookwood last year donated 2% of its corporate income in write-offs and charity to help those less fortunate; and

WHEREAS, Brookwood, in conjunction with Birmingham-Southern College, has established a new school of nursing to help meet Alabama medical needs for decades to come; and

WHEREAS, Brookwood is a pace-setter in health care delivery including same day surgery, cancer treatment, industrial medicine, ambulatory care, pain management and fitness promotion; and

WHEREAS, Brookwood is set to expend nearly \$35 million this year on additions and renovations generating badly needed employment opportunities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature does hereby extend its most sincere congratulations to Brookwood Medical Center and its parent institution, American Medical International, on a job well done.

BE IT FURTHER RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a copy of this resolution be sent to Mr. W. Randolph Smith, administrator for Brookwood Medical Center, with every best hope for the future.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-914

S.J.R. 22—Senator Parsons

SENATE JOINT RESOLUTION

CONGRATULATING OAK GROVE HIGH SCHOOL, STATE 2A FOOTBALL CHAMPIONS FOR 1983.

WHEREAS, the Alabama Legislature extends heartiest congratulations to Oak Grove High School in west Jefferson County, 1983 State 2A Football Champions; and

WHEREAS, under Head Coach Ronnie Gilliland, the Oak Grove Tigers ended their regular season schedule with an 8-3 record, and their championship victory, 6-3 over Cottonwood High, followed wins of 14-7, 21-7 and 22-21 over Cordova, Good Hope and Hazlewood in rounds one, two and three of the playoffs; and

WHEREAS, Oak Grove's Tigers are to be most highly praised for their outstanding performance, both individually and as a team, throughout the entire season; also to be commended are Tiger Assistant Coaches Chuck Vickers, Tim Tate, Mike Wilson, Lynn Easterling and Jim Bradley; and

WHEREAS, it is further to be noted that in addition to the State Championship, Oak Grove also captured the Dental Clinic Championship prior to the playoffs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate and commend Oak Grove High School as our State 2A Football Champions for 1983.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coach Gilliland, on behalf of his staff and team, with a copy also provided for appropriate school display.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-915

S.J.R. 33—Senators Little, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Langford, Menton, Mitchem, Parsons, Pearson, Sanders, Smith (B), Smith (J), Strong and Teague

SENATE JOINT RESOLUTION

COMMENDING COACH PAT DYE AND AUBURN UNIVERSITY ON THE TIGERS' SOUTHEASTERN CONFERENCE CHAMPIONSHIP.

WHEREAS, following the 1983 Iron Bowl Classic in Birmingham, Auburn University reigned supreme as the Southeastern Con-

ference Champions; and

WHEREAS, Coach Pat Dye's Tigers finished their regular season with a phenomenal 10-1 record, completing a schedule that's been acknowledged as the most formidable faced by any college football team in the nation; and

WHEREAS, with the last of their regular season games under wraps, the Tigers will next face the Michigan Wolverines in the famed Sugar Bowl Classic; and

WHEREAS, Coach Dye and his 1983 team are indeed deserving of highest praise for such exceptional accomplishments, and we are sincere in, our gratitude for the fame and honor Auburn University has brought to our State; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate Coach Pat Dye and his 1983 Southeastern Conference Champions.

BE IT FURTHER RESOLVED, That Coach Dye receive a copy of this resolution, on behalf of the team and his staff, and that a copy also be forwarded to the University for appropriate display.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-916

S.J.R. 34—Senator Parsons

SENATE JOINT RESOLUTION

COMMENDING THE OAK GROVE HIGH SCHOOL TIGER BAND.

WHEREAS, the Alabama Legislature herein expresses highest praise of the Oak Grove High School Tiger Band; and

WHEREAS, the Tiger Band is under the direction of Mr. Richard Humber who has served a total of some seven years as Band Director at Oak Grove High School in west Jefferson County; he is assisted by Mr. Ron Thacker; and

WHEREAS, 140 members strong, the Oak Grove Tiger Band has been rated Best In Class in all competition, an achievement to be recognized as exceptionally notable; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the Oak Grove High School Tiger Band for its out-

standing achievement of the highest ratings possible in band competition.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Band Directors Humber and Thacker, on behalf of the entire Oak Grove Tiger Band, with a copy also provided for appropriate school display.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-917

S.J.R. 35—Senators Covington and Foshee

SENATE JOINT RESOLUTION

COMMENDING MRS. ANN GALLOWAY, ANHA "ADMINISTRATOR OF THE YEAR."

WHEREAS, the Alabama Legislature, in utmost commendation, extends warm congratulations to Mrs. Ann Galloway as "Administrator of the Year," a selection of the Alabama Nursing Home Association; and

WHEREAS, Mrs. Galloway, the first recipient of this prestigious award, was cited as "representative of the model administrator in every duty and service that is required of her daily" by ANHA during the organization convention in Mobile, November 1, 1983; and

WHEREAS, a lifelong resident of the Bertha Community in Dale County, and the daughter of Mr. and Mrs. J.D. Martin of Bertha, Mrs. Galloway has been a nursing home administrator for some 17 years, 10 of which have been at Ozark's Oak View Manor, a large facility which provides both skilled and intermediate care including an apartment complex as well; and

WHEREAS, she has been an active member of ANHA with her involvement including a number of regional and state offices, committee chairmanships and is currently a member of the American Health Care Association's Legislative Committee representing Region X nationally; and

WHEREAS, Mrs. Galloway's "Administrator of the Year" award is indeed indicative of her total commitment to quality nursing home care and of her dedicated efforts within the health care field; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we enthusiastically

cally commend and most warmly praise Mrs. Ann Galloway as "Administrator of the Year," a designation of the Alabama Nursing Home Association.

BE IT FURTHER RESOLVED, That Mrs. Galloway receive a copy of this resolution that she and her husband, Mr. Lamar Galloway, and their son, Tim, may be aware of our sincere regard.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-918

S.J.R. 38—Senators Holmes, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Langford, Little, Menton, Mitchem, Parsons, Pearson, Sanders, Smith (B), Smith (J), Strong and Teague

SENATE JOINT RESOLUTION

COMMENDING COACH LOU SCALES OF CALHOUN COUNTY'S ALEXANDRIA HIGH SCHOOL.

WHEREAS, on October 21, 1983, Alexandria High School's veteran coach, Lou Scales, recorded his 200th career victory following his Valley Cub's crucial win over Jacksonville; and

WHEREAS, Coach Scales, who has directed Alexandria football teams through more than 335 varsity games since 1948, has coached in Alabama high schools for 36 years, and his 200th victory spelled out a phenomenal 200-133-12 for the record books; and

WHEREAS, it is further to be noted that Alabama's select 200-plus club for high school football coaches has a membership of only five, including Coach Scales; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Coach Lou Scales as one of Alabama's most prominent high school coaches; we further congratulate him on surpassing

the 200th career victory milestone and direct that he receive a copy of this resolution in small token of our utmost regard.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-919

S.J.R. 40—Senators Little, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Langford, Menton, Mitchem, Parsons, Pearson, Sanders, Smith (B), Smith (J), Strong and Teague

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF MISS CARYL LYNN STUCKEY OF MONTGOMERY, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Alabama Legislature notes the untimely death of Miss Caryl Lynn Stuckey of Montgomery, Alabama, on December 7, 1983, at the early age of just 31 years; and

WHEREAS, Miss Stuckey, born May 31, 1952, grew up in the Montgomery area and attended that city's Robert E. Lee High School; she was a graduate of Columbus High School, Columbus, Ohio, and later attended John Patterson Vocational School in Montgomery; and

WHEREAS, a former employee with the State of Alabama's Consumer Protection Agency, Miss Stuckey, at the time of her death and for the past four years, had been associated in a supervisory capacity with Rheems Manufacturers of Montgomery; and

WHEREAS, Lynn Stuckey is survived by her mother, Mrs. Frances I. Stuckey, our good friend and associate who serves as Senate Fiscal Clerk for the Legislative Fiscal Office; she also is survived

by her brothers James, Richard Tyler, John Frederick, Muir J. and William Ross, Jr.; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Caryl Lynn Stuckey of Montgomery, Alabama, and direct that copies of this resolution be provided for her family that they may know we sincerely share the sorrow of their great loss.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-920

S. 3—Senator Teague

AN ACT

To provide further for the selection and purchase of textbooks and instructional materials for use in the schools of the Alabama Institute for Deaf and Blind; and to provide for the construction of the provisions in pari materia with Section 16-36-24, Code of Alabama 1975, relating to such purchases.

Be It Enacted by the Legislature of Alabama:

Section 1. The Board of Trustees of the Alabama Institute for Deaf and Blind, upon the recommendation of the President, may select and adopt for use in the tax-supported public elementary and high school programs at the institute, textbooks and instructional materials, other than prescribed by the state board of education, which are suitable for the needs of deaf and blind students. Whenever textbooks and instructional materials are substituted for the state-approved or state-adopted books and materials, such books or materials shall be used by the teachers in the institute public school programs in teaching any course or courses for which a substitution has been made. Provided, however, such Board of Trustees of the Alabama Institute for Deaf and Blind shall provide free textbooks to all grades which would be provided under the terms of Section 16-36-24, Code of Alabama 1975.

Section 2. Under the provisions of this act, substitutions shall not include large print nor braille materials as provided under Section 16-36-24, Code of Alabama 1975.

Section 3. The President of the Alabama Institute for Deaf and Blind, upon receipt of any shipment of books as provided herein, shall determine if the shipment is in accordance with the invoices or bills. If in accordance he shall approve and receipt the invoice, one copy of which he shall send to the state superintendent of education and one copy to the publisher. Upon approval of the state superintendent of education, payment shall be made for such

purchase and charged against the portion of the state textbook fund which has been credited to the Alabama Institute for Deaf and Blind as provided by law.

Section 4. The provisions of this act shall be construed in pari materia with Section 16-36-24, Code of Alabama 1975, any and all other laws relating to the selection and purchase of textbooks and instruction materials for the Alabama Institute for Deaf and Blind; provided, however, any laws or parts of laws or of Section 16-36-24, Code of Alabama 1975, in conflict with the provisions of this act are hereby repealed only to the extent of such conflict.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-921

S. 5—Senator Teague

AN ACT

To amend Act No. 83-75 enacted at the 1983 First Special Session of the Legislature of Alabama, as amended, which act relates to the power of counties to issue warrants to finance the costs of necessary public buildings, bridges and roads; to authorize each county in the State of Alabama to sell and issue from time to time warrants for the purpose of paying the costs of acquiring (by construction, purchase or otherwise) public facilities which such county is authorized to acquire by laws other than this act; to define public facilities and other particular terms used in the substantive provisions of this act; to authorize the county commission of each county issuing warrants pursuant to the provisions of this act to determine whether such warrants shall be general obligations of such county or limited obligations payable solely from a specified source; to authorize such county commission to determine, within the constraints of this act, the terms and conditions of such warrants; to provide that certain taxes, revenues and other funds may be pledged as additional security for general obligation warrants issued under the provisions of this act; to provide that certain taxes, revenues and other funds may be pledged as the sole source of payment for limited obligation warrants issued under the provisions of this act; to specify the effect and priority of any such pledges; to authorize the issuance of refunding warrants and to specify the nature of the debt that may be refunded thereby; to provide that warrants issued under the provisions of this act shall be legal investments; to provide that the issuance of any warrants and any interest coupons applicable thereto shall constitute the audit and allowance of claims against the issuing county; to provide that the provisions of this act shall control over inconsistent provisions of other laws; and to provide that the provisions of this act shall be severable.

Be It Enacted by the Legislature of Alabama:

Section 1. Amendment of Act No. 83-75. That portion of Act No. 83-75 enacted at the 1983 First Special Session of the Legislature of Alabama which is represented by Sections 1 through 7, inclusive, of said act (as amended by Act No. 83-615 enacted at the 1983 Regular Session of the Legislature of Alabama), and which appears in the 1983 Cumulative Supplement to the Code of Alabama 1975 as §§11-28-1 through 11-28-7, inclusive, is hereby amended to read as follows (including the addition of a new section designated as Section 1.1):

“Section 1. Legislative Intent. It is the intention of the Legislature by the passage of this act to authorize each county in the State of Alabama (i) to sell and issue warrants for the purpose of financing the costs of acquiring, by construction, purchase or otherwise, any public facilities described in Section 1.1 of this act that such county may be lawfully authorized to acquire at the time of the issuance of such warrants and (ii) to sell and issue warrants for the purpose of refunding any bonds, notes, warrants or other instruments evidencing valid debt at any time incurred or assumed by such county to pay the costs of acquiring such public facilities or to refund debt that, through one or more prior refundings, had been initially incurred for the payment of such costs, it being the intention of this act that any debt of such county may be refunded by warrants issued under this act irrespective of whether such debt was initially incurred under this act or under other provisions of law, whether such debt constituted a general obligation of such county or was a limited obligation payable solely from one or more specified sources, whether such debt was initially incurred by such county or was initially incurred by another public body and thereafter assumed by such county, and whether such debt was incurred or assumed by such county before or after the effective date of this act. This act shall be liberally construed in conformity with the intention expressed in the preceding sentence; provided, however, that nothing contained in this act shall be construed to give any county new or increased authority to acquire any public facility described in Section 1.1 of this act beyond the authority with respect to such public facility which such county may have pursuant to laws other than this act.

“Section 1.1 Definitions. As used in this act, the following words and phrases shall have the following respective meanings, unless the context clearly indicates otherwise:

“Costs”, when used with reference to or in connection with any Public Facility or any portion thereof, include all or any part of the cost of acquiring, constructing, altering, enlarging, extending, recon-

structing or remodeling such Public Facility, including the cost of all lands, structures, real or personal property, rights, rights-of-way, franchises, easements, permits, licenses and interests acquired or used for, in connection with or with respect to such Public Facility, the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring land to which such buildings or structures may be moved, the cost of all machinery, equipment, furniture, furnishings and fixtures acquired or used for, in connection with or with respect to such Public Facility, the cost of architectural, engineering, financial and legal services incurred in connection with the acquisition or construction of all or any part of such Public Facility and the financing thereof, including the expenses of preparing plans, specifications, surveys, and studies to determine the financial or engineering feasibility of such Public Facility, the cost of selling bonds, notes, warrants or other debt instruments issued to finance such Public Facility or to refund debt previously incurred for such purpose, including underwriters' commissions and discounts, printing costs, fees of rating services, fees and disbursements of attorneys, accountants, financial advisors and other consultants, fees and disbursements of trustees and escrow agents, and other incidental expenses, the costs of insurance, letters of credit or other third party commitments for the payment of such bonds, notes, warrants or other debt instruments obtained in order to enhance the marketability thereof, capitalized interest on money borrowed to pay the costs of such Public Facility prior to, during and for a period of not exceeding six months following the estimated completion of the acquisition or construction of such Public Facility, amounts used to fund reserves for the payment of debt service, repair and replacement costs and operating expenses, and such other expenses as may be incident to the acquisition, construction and financing of such Public Facility and the placement thereof in operation.

"County" means any county in the State of Alabama.

"Federal Obligations" means (i) direct general obligations of the United States of America or (ii) obligations the payment of the principal of and interest on which is unconditionally and irrevocably guaranteed by the United States of America.

"Pledged Funds", when used with reference to any warrants issued by any County pursuant to the provisions of this act, mean any taxes, revenues or other funds pledged pursuant to Section 3 of this act for the payment of the principal of and interest on such warrants, irrespective of whether such warrants constitute general obligations of such County or limited obligations payable solely from the taxes, revenues or other funds so pledged.

"Public Facilities", when used with reference to or in connection with any County, mean any or all of the following facilities which such County may at any time have been or be authorized to acquire, by construction, purchase or otherwise, pursuant to any laws other than this act, including all land and all easements and other rights or interests in land necessary or desirable for such facilities:

(a) all courthouses, jails, hospitals, office buildings, school buildings, libraries, storage facilities, parking structures, equipment repair facilities and other buildings and structures of every kind needed for the performance of governmental functions and responsibilities of such County;

(b) all public highways, roads, streets, bridges, ferries, and other facilities used for public travel, including all landscaping, lighting, storm sewers and drainage facilities in connection therewith, that such County is authorized or require to construct, maintain and repair, whether at its sole expense or in conjunction with other governmental entities;

(c) all utility systems which may at any time have been or be acquired and operated by such County, or by any public corporation organized or created pursuant to authorization, determination, finding or other action by the county commission of such County acting singly or in conjunction with the governing bodies of one or more other governmental entities, pursuant to any local or general law applicable to such County, including, without limitation thereto, the following:

(i) sanitary sewer systems and all mains, laterals, sewage disposal plants, sewage treatment plants, equipment and other necessary or desirable appurtenances for such systems, including, without limitation thereto, all sanitary sewer systems that may at any time have been or be acquired by such County pursuant to any of the statutes codified as Code of Alabama 1975, §§11-3-11(15), §§11-9-1 through 11-9-5, inclusive, and §§11-81-160 through 11-81-190, inclusive; and

(ii) water distribution systems, whether providing water for human consumption or industrial use, and all reservoirs, wells, intakes, mains, laterals, aqueducts, pumping stations, filtration and purification plants, equipment and other necessary or desirable appurtenances for such systems, including, without limitation thereto, all water distribution systems that may at any time have been or be acquired by such County pursuant to any of the statutes codified as Code of Alabama 1975, §§11-9-20 through 11-9-28, inclusive, and §§11-81-160 through 11-81-190, inclusive;

(d) all capital equipment and other capital personal property of every kind that such County may at any time have been or be authorized to acquire and use in the performance of its governmental functions and responsibilities, including, without limitation thereto, school buses and other equipment used for educational purposes, office equipment, computers, automobiles and trucks, and equipment used in the construction and maintenance of buildings or roads; and

(e) all other public facilities of every kind that such County may at any time have been or be authorized to acquire, including, without limitation thereto, parks and related facilities for recreation, industrial parks and related facilities, drainage facilities, facilities necessary or desirable for the protection and preservation of the public health and safety, and revenue producing undertakings at any time authorized by the statutes codified as Code of Alabama 1975, §§11-81-140 through 11-81-150.

“Refundable Debt” means, with respect to any County, (i) any debt of such County evidenced by warrants issued pursuant to the provisions of this act and (ii) any valid debt of such County that is evidenced by bonds, notes, warrants or other instruments issued pursuant to laws other than this act and that was initially incurred to pay the Costs of Public Facilities or to refund debt that, through one or more prior refundings, was initially incurred to pay the Costs of Public Facilities. Refundable Debt may be a general obligation of any County or a limited obligation payable solely from one or more specified sources, may have been initially incurred by any County or initially incurred by another governmental entity or public body and thereafter validly assumed by such County pursuant to any law other than this act, and may have been incurred or assumed by any County before or after the effective date of this act.

“Section 2. Authorization of Issuance of Warrants. In addition to all other warrants which any County shall have the power to issue pursuant to laws other than this act, such County shall have the power from time to time to sell and issue warrants of such County for the purpose of paying Costs of Public Facilities. In the proceedings pursuant to which such warrants are authorized to be issued the county commission of such County may, in its discretion, provide that such warrants shall evidence general obligation debt of such County, in which case the full faith and credit of such County shall be irrevocably pledged for the payment of the principal of and interest on such warrants or, alternatively, that such warrants shall evidence limited obligation debt of such County payable solely from specified Pledged Funds, in which case such Pledged Funds shall be irrevocably pledged for the payment of the principal of and interest on such warrants as provided in Section 3 of this Act. Such warrants

may be in such denomination or denominations, may have such maturity or maturities not exceeding 30 years from their date, may bear interest from their date at such rate or rates payable in such manner at such times, may be payable at such place or places within or without the state of Alabama, may be sold at such time or times and in such manner, whether publicly or privately, may be executed in such manner, and may contain such terms not in conflict with the provisions of this act, all as the county commission of such County may provide in the proceedings pursuant to which such warrants are authorized to be issued. The county commission of any County issuing any such warrants may provide, in its discretion, that such warrants shall bear interest at a rate or rates fixed at the time of the issuance thereof, or at fixed rates which may be changed from time to time during the term of such warrants in accordance with an objective procedure determined by such county commission at the time of the issuance of such warrants, or at a floating rate or rates which may change from time to time in connection with published interest rates or indexes that reflect an objective response to market changes in interest rates by banks, governmental agencies or other generally recognized public or private sources of information concerning interest rates, and such county commission may also provide, in its discretion, that interest on such warrants may be payable in cash at fixed intervals, or through one or more payments which reflect compound interest computed at specified intervals on accrued but unpaid interest, or through a discount in the sales price for such warrants equivalent to compound interest on such warrants for all or part of the term thereof, or through any combination of the foregoing methods of providing for the payment of interest. The county commission of any County issuing any such warrants shall have the power to enter into and perform all contracts with banks or trust companies, insurance or surety companies, governmental entities, investment banking firms and other persons to the extent that such county commission determines, in its discretion, that such contracts are necessary or desirable to sell and issue such warrants and to secure and provide for the payment thereof. The proceeds derived from the sale of any such warrants shall be used solely for the purpose for which they are authorized to be issued.

“Section 3. Special Pledges. If the county commission of any County determines to issue warrants under this act that are general obligations of such County, or if such county commission determines to issue warrants under this act that are limited obligations of such County payable solely from specified sources, then such county commission may assign and specifically pledge for the payment of the principal of and the interest on such general obligation warrants (as additional security for the payment thereof) or for the payment of the principal of and interest on such limited obligation warrants (as

the sole source for the payment thereof), as the case may be, all or any portion of the funds derived from any one or more of the following sources that are not subject to previous pledges or covenants which would prevent the assignment and pledge hereby authorized, that are not required by the laws and Constitution of the State of Alabama to be devoted to other purposes, and that such County may at any time be authorized to levy, collect or receive:

(a) the proceeds from the general annual ad valorem tax which such county is authorized to levy without reference to the purpose thereof under the provisions of Section 215 of the Constitution of Alabama of 1901;

(b) the proceeds from the ad valorem tax which such County is authorized to levy under the provisions of Section 215 of the said constitution for the purpose of paying any debt or liability created for the erection of necessary public buildings, bridges or roads;

(c) the proceeds from any other tax (including any ad valorem tax and any occupational privilege, license or excise tax) that such County is authorized to levy at the time of the issuance of such warrants;

(d) any payments in lieu of taxes made to such County by other governmental entities or by private persons or companies pursuant to contractual arrangements or laws in effect at the time of the issuance of such warrants:

(e) the portion of any tax levied and collected by any other governmental entity that shall be apportioned and paid to such County pursuant to laws in effect at the time of the issuance of such warrants;

(f) the income derived from the investment of moneys lawfully held by such County, including, without limitation thereto, the income derived from investments in which the proceeds of refunding obligations issued by such County may be invested until needed for the payment of the obligations to be refunded; and

(g) the revenues from any revenue producing properties owned, leased or operated by such County, including, without limitation thereto, any water system, sewer system, electric distribution system or other utility.

The pledge of any Pledged Funds for the payment of the principal of and interest on warrants issued by any County pursuant to this act, together with any covenants of such County relating to such pledge, shall have the force of contract between such County and the holders of such warrants. To the extent necessary and sufficient for making the payments secured by any pledge of Pledged Funds

made pursuant to the provisions of this act, such Pledged Funds shall constitute a trust fund or funds which shall be impressed with a lien in favor of the holders of the warrants to the payment of which such Pledged Funds are pledged. In the event that more than one pledge should be made with respect to any Pledged Funds, then such pledges shall take precedence in the order in which they are made unless the proceedings making such pledge shall expressly provide that such pledge shall be on a parity with or subordinate to a subsequent pledge of such Pledged Funds. All warrants for which any pledge authorized by the provisions of this act may be made shall constitute preferred claims against that portion of the Pledged Funds so pledged, and shall have preference over any claims for any other purpose whatsoever.

“Section 4. Authorization of Refunding Warrants. Each County may at any time and from time to time issue refunding warrants for the purpose of refunding Refundable Debt then outstanding, whether such refunding shall occur before, at or after the maturity of the Refundable Debt to be refunded, and such refunding warrants shall be governed by the provisions of this act as and to the same extent applicable to warrants authorized in Section 2 of this act. In the discretion of the county commission of the issuing County, such refunding warrants may be issued in exchange for the instruments evidencing the Refundable Debt to be refunded or they may be sold and the proceeds thereof applied to the purchase, redemption or payment of such instruments. Refunding warrants to be issued in exchange for outstanding instruments evidencing Refundable Debt shall be issued in such principal amount and shall bear such interest that the combined total of such principal amount and the interest accrued thereon at the time of such exchange shall not exceed the sum of the principal amount of the Refundable Debt to be refunded, the accrued but unpaid interest thereon and a premium not greater than the premium that would be applicable to the redemption of such Refundable Debt if it were redeemed in accordance with its terms on the first redemption date next succeeding the date of such exchange. Refunding warrants to be sold may be issued in such principal amount as shall be determined by the county commission of the issuing County, provided that such refunding warrants shall not be sold and issued in an aggregate principal amount exceeding the sum of (i) the outstanding principal amount of the Refundable Debt to be refunded, (ii) the interest accrued or to accrue on the instruments evidencing the Refundable Debt to be refunded until the respective maturities thereof, or if any of the instruments evidencing the Refundable Debt to be refunded are to be called for redemption (either on the earliest date on which under their terms they may be redeemed or some later date or dates), the interest accrued or to accrue thereon until the date or

dates on which they are to be called for redemption, (iii) the amount of any redemption premium required, by the terms of the instruments evidencing the Refundable Debt, to be paid as a condition to their redemption prior to their respective maturities, and (iv) the amount of any Costs (actual or estimated) incurred in connection with such refunding.

Pending the application of the proceeds of refunding warrants issued in accordance with this act, such proceeds, together with investment income therefrom, and moneys in any sinking fund for the Refundable Debt to be refunded, together with investment income therefrom, may be deposited in trust, on such terms as the county commission of the issuing County shall approve, with one or more trustees or escrow agents which trustees or escrow agents shall be trust companies or national or state banks having trust powers within or without the State of Alabama, for investment in Federal Obligations, direct general obligations of the State of Alabama or certificates of deposits in such banks as may be designated by such county commission, provided that to the extent the principal of such certificates of deposit and the interest accrued thereon shall at any time exceed the amount then insured by the Federal Deposit Insurance Corporation or by any agency of the United States of America that may succeed to its functions, the uninsured principal and accrued interest on such certificates of deposit shall be secured by collateral consisting of Federal Obligations, direct general obligations of the State of Alabama or a combination thereof and having at all times an aggregate market value (exclusive of accrued interest) not less than the amount of such uninsured principal and accrued interest. The proceeds of refunding warrants, together with the investment income therefrom, and moneys in any sinking fund for the Refundable Debt to be refunded, together with investment income therefrom, shall be available for the payment of all or any part of the principal of and the interest on any of the refunding warrants or for the payment of all or any part of the principal of and the interest and redemption premium, if any, on the Refundable Debt to be refunded, as the county commission of such County, in its discretion, shall prescribe. Proceeds of refunding warrants shall be so invested and applied as to assure that the principal of and the interest and redemption premium, if any, on the Refundable Debt to be refunded shall be paid in full on the respective due dates of such principal, interest and premium.

“Section 5. Warrants to be Legal Investments for Trust Funds. Unless otherwise directed by the court having jurisdiction thereof, or by the document that is the source of authority, a trustee, executor, administrator, guardian, or one acting in any other fiduciary capacity may, in addition to any other investment powers,

invest trust funds in warrants issued under the provisions of this act.

"Section 6. Issuance of Warrants Deemed to Constitute Audit and Allowance of Claim. The issuance of warrants and any interest coupons applicable thereto, pursuant to the provisions of this act and in accordance with the authorization of the county commission of the County issuing such warrants, shall be deemed to constitute an audit and allowance by such county commission of a claim, in the aggregate amount of such warrants and the interest thereon, against such County and against any Pledged Funds pledged for the payment of the principal of and interest on such warrants pursuant to the provisions of this act. No proof of registration or other audit or allowance of such claim shall be required and such warrants and the interest thereon shall, from and after the date of their lawful issuance, be deemed to be allowed claims against the County by which they were issued and against any Pledged Funds so pledged therefor.

"Section 7. Provisions of this Act Control. Insofar as the provisions of this act may be inconsistent with the provisions of any other law concerning actions authorized by this act, the provisions of this act shall control, it being hereby specifically declared that the provisions of §11-8-10 of the Code of Alabama 1975 shall not be applicable to any warrants issued under the provisions of this act. Subject to the preceding sentence, this act does and shall be construed to provide an additional and alternative method for the doing of the things authorized thereby and shall be regarded as supplemental and additional to other laws. The provisions of Section 2 of this act regarding the payment of interest on warrants issued pursuant to this act shall be deemed declarative of existing law and shall not be construed in a manner adverse to the validity of any bonds, notes, warrants or other instruments evidencing debt at any time issued by the State of Alabama, any instrumentality thereof, any County or municipality therein, or any public body or governmental entity created under the laws of the State of Alabama."

Section 2. Severability. The provisions of this act are expressly declared to be severable. If any provision of this act shall be adjudged to be invalid by any court of competent jurisdiction, such provision shall be severed from this act in order to effectuate the legislative intent that such judgment shall not affect, impair or invalidate the remainder of this act, and the operation of such judgment shall be limited to the provision of this act directly involved in the action in which such judgment shall have been rendered.

Section 3. Effective Date. This act shall become effective immediately upon its passage and approval by the Governor or upon

its otherwise becoming law.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-922

S. 10—Senators Mitchem, Little and Barron

AN ACT

To amend Section 40-25-23, Code of Alabama 1975, so as to reallocate a portion of the revenues derived from the taxes levied upon cigarettes authorized by Sections 40-25-2 and 40-25-41, Code of Alabama 1975, and to appropriate so much of these revenues as may be necessary for the retirement of additional bonds of the State Industrial Development Authority not exceeding \$6,000,000 in aggregate principal amount.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-25-23, Code of Alabama 1975, is hereby amended to read as follows:

“§40-25-23.

All revenues collected under the provisions of this article, except as otherwise provided, shall be paid to the department of revenue by check or draft made payable to the treasurer of Alabama, and shall be distributed in the following manner:

(1) All of the revenue derived from the tax levied upon cigarettes by sections 40-25-2 and 40-25-41 shall be deposited in the state treasury and shall be divided as follows:

a. One twelfth to the credit of the state public welfare trust fund, which is hereby appropriated for general welfare purposes. In this Section, “general welfare purposes” means:

1. The administration of public assistance as set out in sections 38-2-5 and 38-4-1;

2. Services, including supplementation and supplementary services under the federal Social Security Act, to or on behalf of persons to whom such public assistance may be given under section 38-4-1;

3. Services to and on behalf of dependent, neglected or delinquent children; and

4. Investigative and referral services to and on behalf of needy persons.

b. One twelfth shall be set apart and used for the following

purposes only and in the following order:

1. So much thereof as may be necessary for such purpose is hereby appropriated and shall be used by the state treasurer to pay at their respective maturities the principal and interest that will mature during the then current fiscal year on all bonds at the time outstanding that may have been issued by the state industrial development authority under the provisions of the following acts:

- i. Sections 41-10-20 through 41-10-32;
- ii. Acts 1967, No. 231;
- iii. Acts 1969, No. 168;
- iv. Acts 1973, No. 1039;
- v. Acts 1975, No. 1217;
- vi. Acts 1978, 2nd Ex. Sess., No. 99;
- vii. Acts 1981, No. 81-843; and
- viii. Acts 1983, No.

2. The balance thereafter remaining during each fiscal year shall be paid into a special fund in the state treasury to be designated the "general and mental health fund," and is hereby appropriated and shall be distributed as follows:

i. Sixty percent of the said balance shall be expended by the state health officer, with the approval of the state board of health, for salaries, other expenses and equipment purchases, incident to general health work;

ii. Thirty percent of the said balance shall be paid to the Alabama mental health board to be expended by the said board for such purposes as it may designate for the provision of mental health services; and

iii. Ten percent of the said balance shall be paid to the Alabama mental health board to be expended by the said board for such purposes as it may designate for the provision of services to the mentally retarded.

c. Two twelfths shall be set apart and used for the following purposes only and in the following order:

1. So much thereof as may be necessary for such purpose is hereby appropriated to the purpose of acquiring and constructing mental health facilities in the state, and to that end shall be used by the state treasurer to pay, at their respective maturities, the principal and interest that will mature during the then current fiscal year on whichever of the following may be issued:

i. Any bonds that may be issued by the Alabama mental health building authority under the provisions of law pursuant to which the said authority may be organized; or

ii. Any bonds of the state that may be issued for acquisition and construction of mental health facilities under amendment 266 of the Constitution of Alabama.

2. The balance thereafter remaining during each fiscal year shall be paid into a special fund in the state treasury, designated the "general and mental health fund," and is hereby appropriated and shall be distributed as follows:

i. Thirty percent of said balance shall be expended by the state health officer, with the approval of the state board of health, for salaries, other expenses and equipment purchases incident to general health work; and

ii. Seventy percent of the said balance shall be paid to the Alabama mental health board created in sections 22-50-4 through 22-50-14, and shall be used by the said board for mental health purposes in the state.

d. One twelfth shall be set apart and used for the following purposes only and in the following order:

1. So much thereof as may be necessary for such purpose is hereby appropriated and shall be used by the state treasurer to pay, at their respective maturities, the principal and interest that will mature during the then current fiscal year on all bonds that may be issued by the state parks development authority under the provisions of Acts 1967, No. 272, which provided for the creation of said authority and also provided for the submission of a constitutional amendment to authorize the issuance of general obligation bonds by said authority.

2. The balance thereafter remaining during each fiscal year shall be deposited into a special fund in the state treasury to be designated the "state parks fund" and is hereby appropriated and shall be distributed as follows: Said fund may be expended by the state director of conservation at his discretion and with the approval of the governor for salaries, other expenses, land acquisition, equipment purchases, capital additions or improvements or other lawful expenses relating to the state division of parks, monuments and historical sites.

e. Two twelfths to the credit of the general fund.

f. The balance to the credit of the Alabama special educational trust fund.

(2) All of the revenue derived from the tax levied by sections

40-25-2 and 40-25-41 upon tobacco products other than cigarettes shall be deposited in the state treasury to the credit of the Alabama special educational trust fund."

Section 2. This Act shall become effective upon its approval by the Governor or upon its otherwise becoming law.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-923

S. 13—Senator Hilliard

AN ACT

To provide that the state and any public body in the state, whether a county, municipality, board of education, public corporation, public instrumentality, political subdivision, or other public entity howsoever identified, may issue its notes, bonds, certificates of indebtedness, warrants, or other securities howsoever designated, bearing compound interest or no interest, computed and payable at such time or times as may be provided, or at a discount equivalent to compound interest, and that this act is declarative of existing law.

Be It Enacted by the Legislature of Alabama:

Section 1. In any instance where any bond, warrant, note, certificate of indebtedness or other security howsoever designated is authorized to be issued by the state, or by any county, municipality, board of education, political subdivision, public instrumentality, public corporation or other public entity howsoever identified, any such security may bear one or more rates of interest, or no interest, or interest may be payable through one or more payments which reflect compound interest computed at specified intervals on accrued but unpaid interest, or through a discount in the sales price for such security equivalent to compound interest on such security for all or part of the term thereof, or through any combination of the foregoing methods of providing for the payment of interest, and any such amounts shall be payable at such time or times as may be provided in the proceedings authorizing any such security, regardless of the requirements of any other provision of law authorizing the issuance of any such security.

Section 2. The provisions of this act shall be deemed declarative of existing law and shall not be construed in a manner adverse to the validity of, or the lawfulness of the interest payable with respect to, (i) any bonds, warrants, notes, certificates of indebtedness or other securities at any time issued by any issuer described in Section 1 hereof, or (ii) any debt at any time incurred by any private person, corporation or other legal entity.

Section 3. This act shall become effective immediately upon its approval by the Governor or upon its otherwise becoming law.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-924

S. 16—Senator Dial

AN ACT

Relating to military affairs and civil defense; amending: Section 31-2-8, Code of Alabama 1975, relating to the organization of the state guard; Section 31-2-9, Code of Alabama 1975, pertaining to the separate powers of the governor and adjutant general over the guard separate from federal control; and Section 31-2-10 relating to appropriations for the state guard, so as to change the name from state guard to state defense force and to authorize the governor to call the state defense force into temporary action.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 31-2-8, 31-2-9, 31-2-10, Code of Alabama 1975, are hereby amended to read as follows:

“§31-2-8. In the event of all or part of the national guard of Alabama being called, drafted or ordered into the service of the United States, the governor is hereby authorized to organize, equip, train and maintain, only during periods when the national guard of Alabama is in the federal service or when the governor declares by executive order, at such strength and in such organizations and branches of the service as he may deem advisable, a temporary military force designated as the Alabama state defense force, similar to the national guard and organized for the same state purposes, and if authorized by federal laws, it shall be organized, maintained and trained under the provisions of the National Defense Act for the organization, maintenance and training of the national guard; provided that comparable organizations shall be disbanded and discharged from the service of the state on the release or discharge of the national guard of Alabama, or units thereof, from the federal service and return to its national guard status.

“§31-2-9. In the event the provisions of section 31-2-8 become operative, then the governor and the adjutant general shall have all the power, authority, duties and rights in relation to the Alabama state defense force as they have in relation to the national guard of Alabama not in federal service, and all sections of this chapter so applying shall likewise apply to the state defense force; except, that the state defense force shall be free from any federal control, and those provisions of this chapter relating to such federal control or regulations shall not apply to the organization, maintenance or

training of the state defense force when called to duty as the Alabama state defense force.

"§31-2-10. (a) All regular military appropriations made for the purpose of recruiting, organizing and maintaining the national guard of Alabama or naval militia shall, in the event the national guard is disbanded, abandoned or called to federal active duty, be available and is hereby appropriated to the Alabama state defense force for the same purposes and for the purpose of organizing, maintaining and training the Alabama state defense force under complete state control.

"(b) Special military appropriations made for the purpose of paying costs incident to emergency state military service are hereby made available for the purposes of paying the expenses of the Alabama state defense force."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-925

S. 11—Senators Mitchem, Little, and
Barron

AN ACT

To authorize the State Industrial Development Authority to sell and issue from time to time its bonds not exceeding \$6,000,000 in principal amount in addition to those heretofore authorized to be issued by it; to prescribe certain additional powers and duties of the Authority, including (a) the power to make grants from the proceeds of the said additional bonds to counties, municipalities, and local industrial development boards, subject to certain limitations, for the purposes of making certain local surveys incidental to industrial development and to grade and drain industrial sites and the means of access thereto and (b) the power to establish a revolving loan fund of up to \$3,000,000 from the proceeds of the said additional bonds, and to make loans from such fund to local industrial development boards, subject to certain limitations, for the purpose of encouraging construction of buildings for industrial development purposes, with such loans to be made on a participating basis and to be repaid by any recipient board upon entry into a lease or sale of any such building; to provide that the Authority may issue and sell such bonds for the purpose of making the said grants and loans; to provide for the execution, form and terms of such bonds and for the terms of sale thereof; to provide that such bonds and the income therefrom shall be exempt from taxation, that such bonds may be used to secure deposits of funds of the state and its political subdivisions, instrumentalities and agencies, shall be legal for investment of fiduciary funds and funds of the Teachers' Retirement System of Alabama, the Employees' Retirement System of Alabama, and the State Insurance Fund, and shall not create an obligation or debt of the state; to provide for the deposit, investment and disposition of the proceeds of the sale of the bonds of the

Authority; to make an appropriation and pledge of funds from the special tax levied by Sections 40-25-2 and 40-25-23, Code of Alabama 1975, to the extent necessary to pay the principal of and interest on bonds of the Authority; to authorize the Authority to pledge the funds so appropriated for the payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from the funds so appropriated; and to provide that the state treasurer shall be the custodian of the funds of the Authority.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. The following words and phrases used in this Act, and others evidently intended as the equivalent thereof, shall, in the absence of clear implication herein otherwise, be given the following respective interpretations herein:

“Authority” means the public corporation organized pursuant to the provisions of Sections 41-10-20 through 41-10-32, Code of Alabama 1975.

“Board of Directors” means the board of directors of the Authority.

“Bonds” means the bonds issued under the provisions of this Act.

“Grantee” means a county, municipality or local industrial development board organized as a public corporation in this state, or an airport authority organized as a public corporation in this state pursuant to Chapter 3 of Title 4 of the Code of Alabama 1975, to which a grant of money is made as provided in Section 3 hereof.

“Industrial sites” means land owned by a grantee or potential grantee on which industrial facilities have been or will be constructed for sale or lease to an individual, private association or private corporation.

“Nominal transferee,” as used in Section 3 hereof, means any person to whom a grantee transfers one or more industrial sites or any part of any thereof for less than fair market value and any person who derives title to such industrial sites or any part of any thereof through such a transferee. “Nominal transferee,” as used in Section 4 hereof, means any person to whom a local industrial development board transfers one or more buildings or any part of any thereof for less than fair market value and any person who derives title to such buildings or any part of any thereof through such a transferee.

“Person,” unless limited to a natural person by the context in which it is used, includes a private firm, a private association, a public or private corporation, a municipality, a county, or an agency, department or instrumentality of the state or of a county or municipality.

"Preparation of industrial sites" means the grading of industrial sites and the means of access thereto, and the draining thereof to prevent the accumulation of excess natural waters thereon.

"State" means the State of Alabama.

"Herein," "hereby," "hereunder," "hereof," and other equivalent words refer to this Act as an entirety and not solely to the particular section or portion thereof in which any such words are used.

The definitions set forth above shall be deemed applicable whether the words defined are used in the singular or plural. Whenever used herein, any pronoun or pronouns shall be deemed to include both singular and plural and to cover all genders.

Section 2. Authorization to Issue Additional Bonds; Exemption From Usury Laws. In addition to all powers heretofore conferred on it by Acts heretofore enacted by the Legislature of Alabama, and in addition to all other powers conferred on it in this Act, the Authority is hereby authorized from time to time to sell and issue its bonds, not exceeding six million dollars (\$6,000,000) in aggregate principal amount, for the purposes of making the grants of money authorized in Section 3 hereof and the loans of money authorized in Section 4 hereof, and to anticipate by the issuance of its bonds the receipt of the revenues herein appropriated and pledged.

It is further provided that the Authority shall be exempt from the laws of the state governing usury or prescribing or limiting interest rates, including, without limitation, the provisions of Chapter 8 of Title 8 of the Code of Alabama 1975.

Section 3. Authorization to Make Grants of Money. The Authority is hereby authorized to make grants of money derived from the sale of the bonds to counties, municipalities and local industrial development boards organized as public corporations in the state for use by the grantees for any one or more of the following purposes: (1) the making of surveys to determine the location of suitable industrial sites in the locality of the grantee; (2) the making of surveys to determine the availability of labor in the locality of the grantee and to classify such labor in terms of skills and educational level; (3) the preparation of industrial sites; or (4) any combination of any of the foregoing which the grantees consider appropriate and necessary for the promotion of industrial development in their respective localities.

Every grant of money made by the Authority, any part of which is made from the proceeds of the bonds, shall be made subject to the following terms and conditions, which are hereby declared to be legally enforceable, and may be enforced by the Authority, in any

court of competent jurisdiction:

(a) No such grant shall be in an amount greater than the total of the following stated per centums of the costs that it is anticipated will be expended for the construction and equipment of the facilities that will occupy the industrial site with respect to which the grant is made, as such anticipated costs shall be certified to the Authority by a registered architect or a registered engineer or by the chief executive officer of the body to which the grant is made: Six per centum (6%) of the anticipated cost for the construction and equipment of facilities that will occupy said site when such costs are \$100,000 or less; five per centum (5%) of the anticipated cost when such anticipated cost exceeds \$100,000 but does not exceed \$200,000, but in no event shall the grant be less than \$6,000; four per centum (4%) of the anticipated cost when such anticipated cost exceeds \$200,000 but does not exceed \$400,000, but in no event shall the grant be less than \$10,000; three per centum (3%) of the anticipated cost when such anticipated cost exceeds \$400,000 but does not exceed \$800,000, but in no event shall the grant be less than \$16,000; two per centum (2%) of the anticipated cost when such anticipated cost exceeds \$800,000 but does not exceed \$1,600,000, but in no event shall the grant be less than \$24,000; one per centum (1%) of the anticipated cost when such anticipated cost exceeds \$1,600,000 but does not exceed \$10,000,000, but in no event shall the grant be less than \$32,000; three quarters of one per centum ($\frac{3}{4}\%$) of the anticipated cost when such anticipated cost exceeds \$10,000,000 but does not exceed \$20,000,000, but in no event shall the grant be less than \$100,000; provided, however, that the total of any grant so made shall not exceed \$150,000;

(b) No such grant or grants shall be made for any part of the anticipated costs of the preparation of an industrial site, and if made shall not be used, in any case where any individual, private association or private corporation has received or is to receive an option to purchase the industrial site with respect to which the grant is made (as distinguished from improvements to be constructed on such site which are not to become a part of the site on which such improvements are to be constructed), or any part of any thereof, from the grantee or any nominal transferee of the grantee for less than the fair market value of such industrial site;

(c) The Authority shall have power to audit the disbursements by the grantees from such grant or grants; and

(d) The Authority may specify any appropriate terms and conditions to facilitate the enforcement of the foregoing provisions of this paragraph.

Section 4. Authorization to Establish a Revolving Loan Fund

and to Make Loans of Money Therefrom. In addition to all powers heretofore conferred on it by Acts heretofore enacted by the Legislature of Alabama, and in addition to all other powers conferred on it in this Act, the Authority is hereby authorized to establish a revolving loan fund with an initial capital of up to \$3,000,000 derived from the proceeds of sale of the bonds and to make loans as provided for herein.

The authorization for the Authority to issue additional bonds in aggregate principal amount to provide the initial capital of up to \$3,000,000 for said revolving loan fund shall be contingent upon the passage by the legislature and the signature of the Governor or upon its otherwise becoming law of appropriate funding measures to provide additional revenue to cover the debt service on said bonds and cause no state department, board, bureau or agency to have a reduction in receipts now provided.

The state treasurer shall be the custodian of such revolving loan fund, as provided for in Section 6 hereof. The Authority is hereby authorized to make loans of money from such fund to local industrial development boards organized as public corporations in the state for the purpose of enabling such boards to advance the construction of buildings in the localities of such boards, which buildings will constitute projects (alone or with other facilities) of such boards under the state enabling act applicable to each such board and pursuant to which such board is permitted to acquire, own and lease or sell such project or projects.

Every loan of money made by the Authority pursuant to this Act shall be made subject to the following terms and conditions, which hereby are declared to be legally enforceable, and may be enforced by the Authority, in any court of competent jurisdiction:

(a) No such loan may be made except in response to an application therefor made by a local industrial development board and approved by resolution of the governing body of the county or municipality which approved the organization of such board;

(b) No such loan may be made except upon a showing by the applicant therefor, satisfactory to the Authority, that the building to be constructed will constitute a project of the applicant under the state enabling act pursuant to which the applicant was organized;

(c) No such loan may be made except upon a showing by the applicant therefor, satisfactory to the Authority, that the applicant has a binding contract with another person which evidences adequate financial capability on the part of such person, taking into account the benefit of the loan applied for and permitted hereunder, to assure completion of construction of the building for the con-

struction of which the loan is sought;

(d) No such loan shall be in any amount greater than the amount indicated for a specified building size in the following table:

30,000 - 39,999 sq. ft.	\$ 75,000
40,000 - 49,999 sq. ft.	\$100,000
50,000 - 59,999 sq. ft.	\$125,000
60,000 - 69,999 sq. ft.	\$150,000
70,000 - 79,999 sq. ft.	\$175,000
80,000 - 89,999 sq. ft.	\$200,000
90,000 - 99,999 sq. ft.	\$225,000
100,000 sq. ft. or more	\$250,000 maximum

(e) In addition to the limitation based upon building size, no such loan shall be in an amount greater than twenty-five percent (25%) of the anticipated total cost of the building for which the loan is made;

(f) All such loans shall be made without interest or any other charge for the use by the applicant of the money so loaned; provided, however, that interest at the highest rate permitted by law (or at such lower rate to which the Authority may agree) may be charged by the Authority, pursuant to the terms of any loan agreement, from and after the date that any loan is required, under the terms of any applicable loan agreement, to be repaid;

(g) Each such loan shall be required, by the terms of the loan agreement under which it is made, to be repaid to the Authority simultaneously with effectuation by the recipient of the loan of a lease or sale of the building for the construction of which the loan was made;

(h) No such loan shall be made for any part of the anticipated costs of construction of a building, and if made shall not be used, in any case where any individual, private association or private corporation has received or is to receive an option to purchase the building with respect to which the loan is made from the recipient industrial development board or any nominal transferee of such board for less than the fair market value of such building;

(i) The Authority shall have power to audit the disbursements by the recipient industrial development boards from such loans; and

(j) The Authority may specify any appropriate terms and conditions to facilitate the enforcement of the foregoing provisions of this paragraph, and may impose any and all terms and conditions as to applications for loans and in any loan agreements between it and any local industrial development board as it shall deem desirable and as shall not be in conflict with the provisions of this Act.

Section 5. Details Respecting the Bonds. The bonds of the Authority shall be signed by its president and attested by its secretary and the seal of the Authority shall be affixed thereto or a facsimile of such seal shall be printed or otherwise reproduced thereon, and any interest coupons applicable to such bonds shall be signed by the president; provided, that (a) a facsimile of the signature of one, but not both, of the said officers may be printed or otherwise reproduced on any such bonds in lieu of being manually subscribed thereon or (b) a facsimile of the signatures of both of the said officers may be printed or otherwise reproduced on any such bonds in lieu of being manually affixed thereto if the Authority, in its proceedings with respect to issuance of the bonds, provides for manual authentication of such bonds and the secretary designates named individuals who are employees of the state and who are assigned to the finance department of the state to authenticate the bonds, and (c) a facsimile of the president's signature may be printed or otherwise reproduced on any such interest coupons in lieu of being manually subscribed thereon. Any bonds of the Authority may be executed and delivered by it any time and from time to time, and shall be in such form or forms and such denomination or denominations and of such tenor and maturity or maturities, shall bear such rate or rates of interest, shall be payable at such times and evidenced in such manner, and may contain such other provisions not inconsistent herewith, all as may be provided by the resolution of the board of directors of the Authority under which such bonds are authorized to be issued; provided, that no bond of the Authority shall have a specified maturity date later than twenty years after its date. Any bond of the Authority may be made subject to redemption at the option of the Authority at such times and after such notice and on such conditions and at such redemption price or prices as may be provided in the resolution under which it is authorized to be issued; provided, that those bonds of the Authority having specified maturity dates more than ten years after their date shall be made subject to redemption at the option of the Authority not later than the end of the tenth year after their date, and on any interest payment date thereafter, under such terms and conditions and at such redemption price or prices as may be provided in the resolution under which such bonds are authorized to be issued. Bonds of the Authority may be sold at such price or prices and at such time or times as the board of directors of the Authority may consider advantageous, either at public or private sale and by negotiation or by competitive bid; provided that bonds may be sold in a private sale and on negotiated terms only upon a finding by the secretary that a public sale of the bonds is, under the circumstances existing at the time, either impractical or undesirable. Bonds of the Authority sold by competitive bid must be sold, whether on sealed bids or at public auction, to

the bidder whose bid reflects the lowest net interest cost to the Authority for the bonds being sold, computed from their date to their respective maturities; provided, that if no bid acceptable to the Authority is received, it may reject all bids. The Authority may fix the terms and conditions under which each sale of bonds may be held; provided, that such terms and conditions shall not conflict with any of the requirements of this Act. Subject to the provisions and limitations contained in this Act, the Authority may from time to time sell and issue refunding bonds for the purpose of refunding any matured or unmatured bonds of the Authority then outstanding. Such refunding bonds shall be subrogated and entitled to all priorities, rights and pledges to which the bonds refunded thereby were entitled. The Authority may pay out of the proceeds of the sale of its bonds attorneys' fees and the expenses of issuance which the said board of directors may deem necessary and advantageous in connection with the issuance of such bonds. Bonds issued by the Authority shall not be general obligations of the Authority but shall be payable solely out of the funds appropriated and pledged therefor in Section 6 hereof. As security for the payment of the principal of and interest on the bonds issued by it, the Authority is hereby authorized and empowered to pledge for payment of such principal and interest the funds that are appropriated and pledged in Section 6 hereof for payment of such principal and interest. All such pledges made by the Authority shall take precedence in the order of the adoption of the resolutions containing such pledges; provided, that each pledge for the benefit of refunding bonds shall have the same priority as the pledge for the benefit of the bonds refunded thereby. All contracts made and all bonds issued by the Authority pursuant to the provisions of this Act shall be solely and exclusively obligations of the Authority and shall not constitute or create an obligation or debt of the State of Alabama. All bonds issued by the Authority and the income therefrom shall be exempt from all taxation in the state. Any bonds issued by the Authority may be used by the holder thereof as security for any funds belonging to the state, or to any political subdivision, instrumentality or agency of the state, in any instance where security for such deposits may be required by law. Unless otherwise directed by the court having jurisdiction thereof, or the document that is the source of authority, a trustee, executor, administrator, guardian, or one acting in any other fiduciary capacity may, in addition to any other investment powers conferred by law and with the exercise of reasonable business prudence, invest trust funds in bonds of the Authority. Neither a public hearing nor consent of the department of finance of the state or any other department or agency shall be a prerequisite to the issuance of bonds by the Authority. The bonds issued under the provisions of this Act shall be legal investments for funds of the "Teachers' Retirement

System of Alabama," the "Employees' Retirement System of Alabama," and the "State Insurance Fund."

Section 6. Deposit and Investment of and Disbursements from Bond Proceeds. The proceeds of all bonds, other than refunding bonds, issued by the Authority remaining after paying expenses of their issuance shall be deposited in the state treasury, and shall be carried in the state treasury in a special or separate account or accounts. Such funds shall be subject to be drawn upon by the Authority, but any funds so withdrawn shall be used solely for the purposes for which the bonds were issued as authorized in this Act.

At the direction of the Authority, up to \$3,000,000 of the proceeds derived from sale of the bonds shall be carried by the state treasurer in a special account to be called the "State Industrial Development Authority Revolving Loan Fund Account", such account, and any investment earnings allocable thereto, to be accounted for as a separate and distinct account from the account in which the remainder of such proceeds are carried. Such account shall be used for the purposes set out in Section 4 of this Act. Repayments to the Authority of loans made by it shall be deposited by the Authority into such account. Loan repayments so deposited, any other moneys received by the Authority under its loan agreements, and any earnings on investment of the moneys in the said account shall be available to the Authority for the making of loans pursuant to Section 4 of this Act.

The state treasurer, with the approval of the secretary of the Authority, shall invest funds not needed by the Authority within the ensuing thirty days for any purpose for which they are held, which investments shall be made in the manner authorized and provided for in Act No. 66 adopted at the 1945 Regular Session of the Legislature of Alabama.

The proceeds from the sale of any refunding bonds issued hereunder remaining after paying the expenses of their issuance shall be used only for the purpose of refunding the principal of outstanding bonds of the Authority and of paying any premium that may be necessary to be paid in order to redeem or retire the bonds to be refunded.

Section 7. Revenues of the Authority. For the purpose of providing funds to enable the Authority to pay at their respective maturities the principal of and interest on any bonds issued by it under the provisions of this Act and to accomplish the objects of this Act, there is hereby irrevocably pledged to such purpose and there is hereby appropriated so much as may be necessary for such purpose of the residue of the receipts from the tax levied by Section 40-25-2, Code of Alabama 1975, after there shall have been taken

therefrom the amount necessary for the purposes specified in Section 40-25-23(1)b 1, Code of Alabama 1975. All moneys hereby appropriated and pledged shall constitute a sinking fund for the purpose of paying the principal of and the interest on the bonds herein authorized.

Section 8. Disbursements of Funds. Out of the revenues appropriated and pledged in Section 7 hereof, the state treasurer is hereby authorized and directed to pay the principal of and interest on the bonds issued by the Authority under the provisions of this Act, as the said principal and interest shall respectively mature, and the state treasurer is further authorized and directed to set up and maintain appropriate records pertaining thereto.

Section 9. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-926

S.J.R. 8—Senator Bailey

SENATE JOINT RESOLUTION

TO AMEND AND REENACT ACT NO. 79-43, HJR 19 OF THE FIRST SPECIAL SESSION 1979 (ACTS 1979, PAGE 61) WHICH RELATES TO THE CREATION OF A CONTINUING JOINT COMMITTEE ON AGRICULTURE, SO AS TO INCREASE THE AMOUNT OF AUTHORIZED ANNUAL EXPENDITURES OF THE COMMITTEE.

“BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there shall be a joint study committee on agriculture, which shall be a continuing committee to make a study of the condition of agriculture and conservation in the state, hold hearings and inquire into ways and means of improving conditions in the field of agriculture and conservation in the state. The committee shall make a report to the legislature before the 25th legislative day of all future regular sessions of the legislature.

“BE IT FURTHER RESOLVED, That the committee shall

consist of the members of the House Committee on Agriculture, and Forestry and the Senate Committee on Agriculture, Conservation and Forestry and certain members of the Legislature, as appointed by the Speaker of the House and the Lieutenant Governor. The chairman of the Senate Committee on Agriculture, Conservation and Forestry shall serve as the Chairman of this committee, and the Chairman of the House Committee on Agriculture and Forestry shall serve as Vice-Chairman. The chairman of the committee shall set the schedule and program for committee work, shall fix the days and hours of meeting and conducting hearings and examining witnesses who appear before the committee and may appoint subcommittees and invest them with such authority as may be necessary to conduct the committee's business and expedite its work. The total expenditures of the committee shall not exceed ten thousand dollars per year, inclusive of per diem legislative pay and travel expenses, provided no member shall be paid for any day that they do not meet. Any out-of-state travel must be approved by the Governor. The Secretary of the Senate shall provide secretarial and stenographic assistance and postage as required. Such pay and expenses shall be paid out of any available funds appropriated to the use of the legislature."

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-927

S.J.R. 44—Senator Denton

SENATE JOINT RESOLUTION

ENDORSING THE PROCLAMATION OF JANUARY 1984
AS MEDICAL EYE MONTH.

WHEREAS, the precious gift of eyesight is recognized by the American people as the most valuable of the senses; and

WHEREAS, the National Society to Prevent Blindness has declared that half of all blindness can be prevented; and

WHEREAS, such unnecessary blindness can be prevented when early medical attention is obtained, or when safety devices are worn to protect the eyes; and

WHEREAS, the Alabama Academy of Ophthalmology includes many qualified eye physicians and surgeons along with outstanding medical facilities for proper care and treatment of those threatened by blindness; and

WHEREAS, citizens of Alabama should become aware of the importance of regular medical eye examinations and seek direct help from medical eye doctors when eye conditions which may lead to blindness are first experienced; and

WHEREAS, many Alabamians are experiencing significant economic and unemployment problems which may prevent their obtaining proper medical eye examinations; and

WHEREAS, participating ophthalmologists throughout Alabama will provide free vision/glaucoma screenings in their offices on Wednesday, January 18th, and Wednesday, January 25th; and

WHEREAS, the month of January has been designated National Eye Health Care Month by U.S. Senate Resolution 54, and many other states have corresponding programs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That we hereby endorse the proclamation of January 1984 as Medical Eye Month in the State of Alabama.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-928

S.J.R. 45—Senators Corbett, Parsons, Teague, Cooley, Bennett, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bishop, Cabaniss, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Langford, Little, Menton, Mitchem, Pearson, Sanders, Smith (B), Smith (J), and Strong

SENATE JOINT RESOLUTION

COMMENDING MR. BARNEY WEEKS UPON HIS RETIREMENT AS PRESIDENT OF THE ALABAMA LABOR COUNCIL, AFL-CIO.

WHEREAS, Mr. Barney Weeks, a native of Randolph, Ala-

bama, and a resident of Birmingham, retired recently as President of the Alabama Labor Council, AFL-CIO; and

WHEREAS, Mr. Weeks, first elected president in 1957, served the Council with dedicated distinction for a total of 26 years, during which tenure he also served, variously, as president of the Southern Labor School, as a founder and secretary-treasurer of the AFL-CIO Appalachian Council and as a member of the AFL-CIO Committee on State and Local Central Bodies; and

WHEREAS, Mr. Weeks has been, indeed, a staunch supporter of and champion for rights of the working men and women in our State and nationwide as well; and

WHEREAS, in addition to his official advocacy for organized labor, Mr. Weeks' activities and involvement extended to include numerous community, civic and political affairs in such specific areas as Mental Health, HEW, Rehabilitation and Crippled Childrens Service, Sertoma International Center for Communicative Disorders, the University of Alabama Law Center and both the American Red Cross and American Lung Associations; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein most highly commend Mr. Barney Weeks on his distinguished career with the Alabama Labor Council; we further wish him every continuing success in life and direct that he receive a copy of this resolution in token of our highest esteem and regard.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-929

S.J.R. 5—Senators Dixon and Langford

SENATE JOINT RESOLUTION

ESTABLISHING JOINT INTERIM CAPITOL COMPLEX OVERSIGHT COMMITTEE AND DEFINING THE BOUNDARIES OF SAID AREA.

WHEREAS, The Alabama Legislature finds that the area described herein as the "capitol complex" is a vital part of the past, present, and future of the State of Alabama and that its development must be regulated in such a manner as to insure the character and dignity of the public facilities which constitute the capitol complex of the State of Alabama. The Legislature, in adopting this resolution, has recognized that a part of the City of Montgomery is first

and foremost, the capitol of this state and that the final authority for long-range planning of the capitol complex should vest in the State of Alabama in cooperation with the City of Montgomery. It is not the purpose of this resolution to acquire property or to prohibit private development, but rather to ensure that all development within the district, whether public or private, is consistent with the state concern for a well-planned, efficient and aesthetically attractive state capitol complex; now therefore,

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That the City of Montgomery shall have total responsibility for the traffic regulation and flow and maintenance of the dedicated streets, utilities, roadways, bridges and sidewalks and the enforcement of all City codes and ordinances within the area of the capitol complex, with the exception of state owned property. The area of the capitol complex shall be within the court and police jurisdictions of the City of Montgomery.

RESOLVED FURTHER, That there is hereby created the Alabama Capitol Complex Planning District, which may be referred to in this resolution as "capitol complex" or "district." The district shall extend to and include all lands within the following boundaries of the City of Montgomery:

Commence on the corner of Jackson Street and Madison Avenue; thence Westerly along Madison Avenue to Hull Street; thence Southerly along Hull Street to one-half block North of Dexter Avenue; thence Westerly to Court Square Area; thence one-half block South of Dexter Avenue; thence East to Hull Street; thence Southerly along Hull Street to High Street; thence Easterly along High Street to Ripley Street; thence Northerly along Ripley Street to Adams Avenue; thence Easterly along Adams Avenue to Jackson Street; thence Northerly along Jackson Street to Madison Avenue, the point of beginning (See attached Map, page 222).

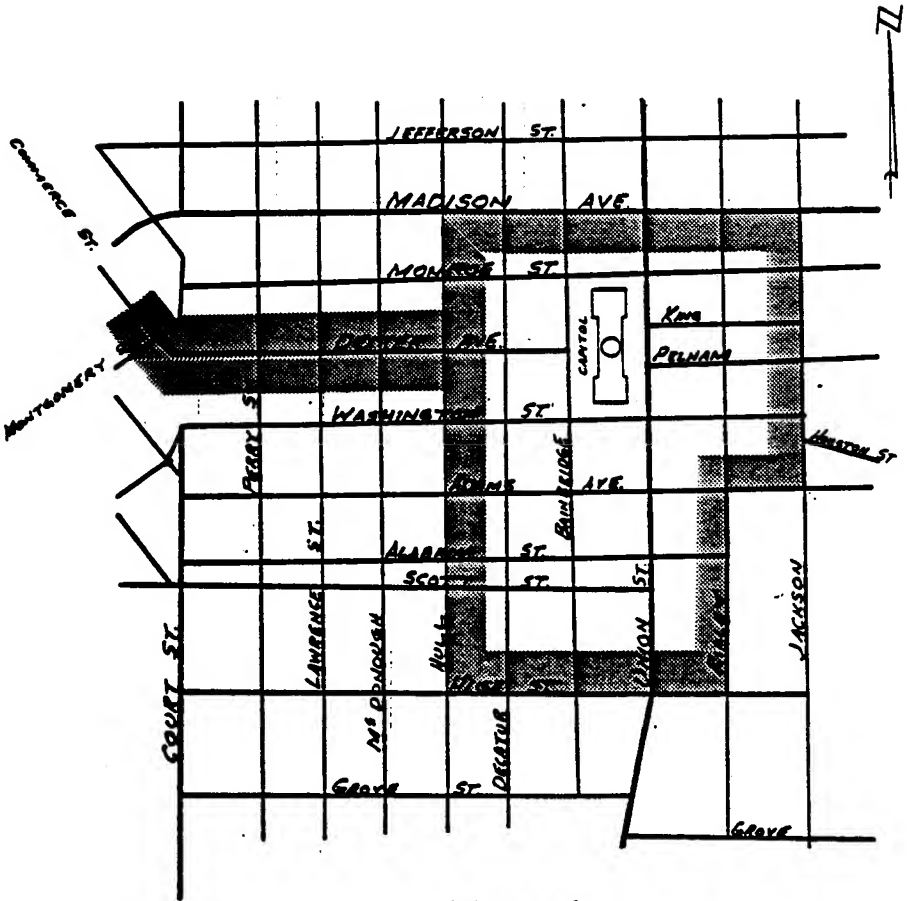
BE IT FURTHER RESOLVED, That there is hereby established the joint Capitol Complex Oversight Committee. There shall be 5 members from the House of Representatives and 5 members from the Senate, appointed by the respective presiding officers. The committee shall study and develop legislation in cooperation with the City of Montgomery and the State Building Commission to implement by legislative act a planned Capitol Complex. Said committee shall elect from among its members a chairman and vice chairman and shall set its own rules of procedure. The committee shall meet at the call of the chair or upon the request of four or more members. Said committee shall advise the Building Commission and Alabama Legislature concerning matters within the Capitol Com-

plex concerning legislation which might be presented for consideration to the Legislature. The State Building Commission shall be authorized to review all construction, including additions, refurbishing or any structural alteration of any buildings or other structures, in addition to any aesthetic changes thereto which shall be subject to approval of the Architectural Review Board, (Montgomery Area), the location of and use of buildings or structures therein together with the real property in said district, with the exception of state owned property, shall be subject to all City codes and ordinances.

RESOLVED FURTHER, The responsibilities and jurisdictions of the State Building Commission shall include, but not be limited to:

- (1) Review and coordinating additions to existing buildings as well as the location and construction of new buildings within the capitol complex;
- (2) Developing appropriate landscaping and architectural style, as well as a long-range plan for traffic flow and control in and through the capitol complex with the approval of the appropriate City agencies and commissions; and
- (3) Periodically recommending to the Legislature any changes necessary in the designation of the capitol complex planning district itself.

BE IT FURTHER RESOLVED, That the members shall be entitled to their legislative compensation, per diem, mileage and expense allowance while not in legislative session for each day the committee is engaged in its official duties pursuant to this resolution, which shall be paid out of the funds appropriated to the use of the Legislature on warrants drawn on the state comptroller upon requisition signed by the committee's chairman. Said committee shall terminate on January 1, 1986. Said committee's compensation and expenses shall not exceed \$10,000 per year.



Map of
CAPITOL COMPLEX AREA

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-930

S.J.R. 52—Senators Bennett, Parsons,
Ellis, Cabaniss and Amari

SENATE JOINT RESOLUTION

REQUESTING THE JEFFERSON COUNTY COMMISSION
TO PROVIDE ALL POSSIBLE ASSISTANCE IN RE-OPENING

THE MORGAN ROAD BRIDGE.

WHEREAS, the old Morgan Road Bridge in the Hopewell Community was destroyed in a flash flood last Saturday, and

WHEREAS, the bridge, used regularly by hundreds of workers from Southwest Jefferson and Shelby Counties each day, is an important access facility and urgently needs rebuilding, and

WHEREAS, the State Highway Department has already responded to pleas for help by installing a one-lane replacement bridge, and

WHEREAS, the burden of reconstruction, estimated at over \$250,000 is beyond the reach of the City of Bessemer in which the Morgan Road link is located; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Jefferson County Commission give all due consideration to lending whatever assistance possible including financial help, in-kind labor and construction materials.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Commissioner Chriss Doss, Ray Moore and David Orange in hopes some emergency help might be forthcoming.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-931

S.J.R. 55—Senator Aldridge

SENATE JOINT RESOLUTION

COMMENDING CRIMSON TIDER, KERRY GOODE, TOP SEC ROOKIE OF THE YEAR.

WHEREAS, the Alabama Legislature extends heartiest congratulations to Crimson Tide tailback Kerry Goode on his selection as the Southeastern Conference Rookie of the year by vote of a panel of sports writers from all seven SEC states; and

WHEREAS, the '83 season for Alabama's freshman back came in like a lamb but ended in a roar of 692 yards on 103 carries, a record convincing enough for nine of 14 first place votes from the writers polled; and

WHEREAS, Kerry Goode, who is from Town Creek, Alabama, came to the University of Alabama as a varsity standout from Law-

rence County's Hazlewood High; and

WHEREAS, Kerry Goode is another outstanding student athlete in a long line of young men who have distinguished themselves on the gridiron for the Alabama Crimson Tide, and who have contributed to the University of Alabama being universally recognized as a perennial football power; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Alabama's Kerry Goode as the SEC Rookie of the Year; we further congratulate him on his outstanding freshman performance for the Crimson Tide and direct that he receive a copy of this resolution in token of our sincere regard and in expression of our warm best wishes for a sensational sophomore season.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-932

S.J.R. 56—Senators Dial, Goodwin and Teague

SENATE JOINT RESOLUTION

COMMENDING BOBBY ALLISON.

WHEREAS, Bobby Allison, longtime resident of Hueytown, Alabama, on November 20th claimed the Winston Cup Grand National Championship, the most prestigious title in all of auto racing; and

WHEREAS, Mr. Allison claimed the title by defeating rival Darrell Waltrip, two-time defending champion from neighboring Tennessee, in the last race of the season; and

WHEREAS, this "Allison Boy" has won over \$600,000 during the 30-race season, and stands to gain nearly \$750,000 more in cash and benefits from the national championship; and

WHEREAS, he is now third, behind Richard Petty and David Pearson, on NASCAR's all-time win list with 79 victories, including six this year; and

WHEREAS, Bobby Allison was recently chosen by the Alabama Sports Hall of Fame for induction in 1984, the first race driver to be so honored; and

WHEREAS, Bobby, along with brother Donny Allison, and close friend Neil Bonnet, have become known as the "Alabama

Gang" in racing circles, giving the state favorable publicity nationwide; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend Mr. Bobby Allison on his grand achievement and outstanding career.

BE IT FURTHER RESOLVED, That Mr. Bobby Allison receive a copy of this resolution so that he may know of our high esteem.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-933

S.J.R 58—Senators Aldridge, Cooley and Denton

SENATE JOINT RESOLUTION

URGING THE INTERSTATE COMMERCE COMMISSION TO GRANT CSX CORPORATION AUTHORITY TO OPERATE BARGE LINES.

WHEREAS, CSX Corporation through its rail and truck line subsidiaries, Chessie and Seaboard System Railroads and CMX Trucking lines now offers intermodal rail-truck service; and

WHEREAS, CSX Corporation has filed an application with the Interstate Commerce Commission for control of American Commercial Lines, whose subsidiary, American Commercial Barge Lines, Inc., is a major water carrier operating on 7,500 miles of the Mississippi River and Gulf Intercoastal Waterway systems; and

WHEREAS, If said application is approved by the Interstate Commerce Commission, CSX Corporation has plans to build a major barge terminal on the Tennessee River in Alabama offering its shippers essentially a full range of transportation services; and

WHEREAS, transportation in Alabama as well as all of the southeastern and central states of the United States of America will be greatly enhanced by approval of the said application by CSX Corporation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we, as elected representatives and spokesmen of the people of Alabama do hereby urge the Interstate Commerce Commission to approve the applica-

tion of CSX Corporation to operate barge lines so that an efficient, full range of transportation facilities may be provided by CSX Corporation to this state.

BE IT FURTHER RESOLVED, That we hereby urge the Governor to get behind the movement to encourage the Interstate Commerce Commission to approve the application of CSX Corporation so that CSX may operate barge lines and port facilities in this state and thereby connect transportation on the Tennessee-Tombigbee and other waterways of Alabama with the Ohio, the Mississippi and other river systems serving the industrial and agricultural heartland of this nation.

BE IT FURTHER RESOLVED, That copies of this Resolution be sent to the Secretary of the Interstate Commerce Commission at the address of 12th Street and Constitution Avenue, N.W., Washington, D. C. 20423.

BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to Governor George C. Wallace.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-934

S.J.R. 61—Senators Hilliard and Bennett

SENATE JOINT RESOLUTION

REQUESTING RECONSIDERATION BY THE STATE HEALTH PLANNING AND DEVELOPMENT AGENCY BOARD WITH REGARD TO ITS DECISION OF DECEMBER 13, 1983, TO DISAPPROVE THE IN-VITRO FERTILIZATION PROGRAM FOR BIRMINGHAM'S UNIVERSITY HOSPITALS.

WHEREAS, representatives of University Hospitals appeared before the State Planning and Development Agency Board on December 13, 1983, requesting approval for the establishment of an in-vitro fertilization program at UAB; and

WHEREAS, it is the concern of this body that the board's denial of the University's request was made without full consideration of all determining circumstance required for an in-depth assessment of the value of such a program for the State of Alabama; and

WHEREAS, aside from such a program's benefit to a tremendous number of Alabama couples in their hopeful efforts to conceive, it is essential that the State Health Planning and Development Agency Board consider the fact that University Hospitals has

transcended local and regional bounds and is a nationally renowned medical research, teaching and treatment center which cannot afford a backward step in advancement in medical technique and procedure; and

WHEREAS, the cost of implementing the requested in-vitro fertilization program at UAB is estimated at some \$32,000, a very small price in relation to the anticipated benefits, and a sum that is negligible if Alabama is to continue in national regard as a medical institution second to none; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most respectfully urge the State Health Planning and Development Agency Board to reconsider its December 13, 1983, decision which denied UAB's University Hospitals the authority to implement an in-vitro fertilization program to complement the institution's renowned advancements in such areas as cancer and diabetes, in its heart surgery and transplant programs and in all other areas in which UAB has provided national leadership.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to the members of the State Health Planning and Development Agency Board that they may address this urgent request of the Legislature at the earliest possible time.

This Act became a law under Section 125 of the Constitution on December 21, 1983 without approval by the Governor.

Act No. 83-935

S.J.R. 65—Senators Drinkard, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Langford, Little, Menton, Mitchem, Parsons, Pearson, Sanders, Smith (B), Smith (J), Strong and Teague

SENATE JOINT RESOLUTION

COMMEMORATING THE DEATH OF PRESIDENT JOHN FITZGERALD KENNEDY.

WHEREAS, on November 22, 1963, our nation's beloved president, John Fitzgerald Kennedy, died at the hands of a fiendish assassin and thus our nation was plunged into utter darkness in its grief; and

WHEREAS, today, November 22, 1983, marks the 20th anniversary of this sorrowful date in our history, painfully bringing to mind the grief we shared then, and continue to share, with all our countrymen and, most particularly, with the family of President Kennedy; and

WHEREAS, it is fitting, on this date, that the Alabama Legislature stand with Alabamians and fellow Americans in tribute to the life of John Fitzgerald Kennedy who symbolized the hopes and dreams of a nation, and whose leadership was to the end of peace and progress for those he was chosen to lead; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do herein express great sadness in the death, on November 22, 1963, of President John F. Kennedy and direct that copies of this resolution be forwarded to the Kennedy family who continues in our thoughts and prayers.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-936

H.J.R. 6—Reps. Kennedy, Clark (W.),
Buskey (James), Thomas,
Black, Bryant, Buskey
(John), Grayson,
McDowell, Escott, Perdue,
Spratt, Reed

HOUSE JOINT RESOLUTION

COMMENDING MISS REGINA M. QUICK FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATIVE BLACK CAUCUS.

WHEREAS, the Alabama Legislature, in commendation and gratitude, herein extends highest recognition of outstanding service rendered by Miss Regina M. Quick who, as an intern with the Southern Legislative Research Council, worked closely with the Alabama Legislative Black Caucus; and

WHEREAS, in association with the caucus during the 1983

Regular Session, Miss Quick was charged with responsibilities to monitor committees and floor deliberations; to review legislative proposals of state governmental departments; review first reading and develop analyses of pending legislation, or proposals, in specified issue areas; and to assist in the preparation of a weekly Legislative Bulletin; and

WHEREAS, following completion of her internship, Miss Quick, a resident of Hanceville, plans to complete her studies at Auburn University and to later pursue a career in law; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein express highest commendation of Miss Regina M. Quick and express our deep appreciation, as well, for her assistance to the Alabama Legislative Black Caucus.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Miss Quick that she and her parents, Mr. and Mrs. Roland C. Quick, may know of our sincere regard and warm best wishes for her every future success.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-937

H.J.R. 7—Reps. Kennedy, Clark (W.),
Buskey (James), Thomas,
Black, Bryant, Buskey
(John), Grayson,
McDowell, Escott, Perdue,
Spratt, Reed

HOUSE JOINT RESOLUTION

COMMENDING MISS SHERON J. ROSE FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATIVE BLACK CAUCUS.

WHEREAS, the Alabama Legislature, in commendation and gratitude, herein extends highest recognition of outstanding service rendered by Miss Sheron J. Rose who, as an intern with the Southern Legislative Research Council, worked closely with the Alabama legislative Black Caucus; and

WHEREAS, in association with the caucus during the 1983 Regular Session, Miss Rose was charged with responsibilities to monitor committees and floor deliberations; to review legislative

proposals of state governmental department; review first readings and develop analyses of pending legislation, or proposals, in specified issue areas; and to assist in the preparation of a weekly Legislative Bulletin; and

WHEREAS, following completion of her internship, Miss Rose, a resident of Dothan, plans to complete her studies at Tuskegee Institute and to later pursue a career in law; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein express highest commendation of Miss Rose and express our deep appreciation, as well, for her assistance to the Alabama Legislative Black Caucus.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Miss Rose that she and her parents, Sherman and Julia Rose, may know of our sincere regard and warm best wishes for her every future success.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-938

H.J.R. 8—Reps. Kennedy, Clark (W.),
Buskey (James), Thomas,
Black, Bryant, Buskey
(John), Grayson,
McDowell, Escott, Perdue,
Spratt, Reed

HOUSE JOINT RESOLUTION

COMMENDING MISS ALICE MARSHALL FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATIVE BLACK CAUCUS.

WHEREAS, the Alabama Legislature, in commendation and gratitude, herein extends highest recognition of outstanding service rendered by Miss Alice Marshall who, as an intern with the Southern Legislative Research Council, worked closely with the Alabama Legislative Black Caucus; and

WHEREAS, in association with the caucus during the 1983 Regular Session, Miss Marshall was charged with responsibilities to monitor committees and floor deliberations; to review legislative proposals of state governmental departments; review first readings and develop analyses of pending legislation, or proposals, in speci-

fied issue areas; and to assist in the preparation of a weekly Legislative Bulletin; and

WHEREAS, following completion of her internship, Miss Marshall, a resident of Montgomery, plans to complete her studies at the University of Alabama where she currently is enrolled, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein express highest commendation of Miss Alice Marshall and express our deep appreciation, as well, for her assistance to the Alabama Legislative Black Caucus.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Miss Marshall that she and her parents, Mr. and Mrs. George W. Prescott, may know of our sincere regard and warm best wishes for her every future success.

Approved December 21, 1983

Time: 5:20 P.M.

Act. No. 83-939

H.J.R. 33—Reps. Coleman, Rains

HOUSE JOINT RESOLUTION

COMMENDING MR. AND MRS. JOHN THRASH ON THEIR 70TH WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the recent 70th Wedding Anniversary, November 23, 1983, of Mr. and Mrs. John D. Thrash of Martling, Alabama; and

WHEREAS, in the sight of God, John Thrash and Amzie Mitchell were joined in wedlock on November 23, 1913, by the Reverend Jeff Fletcher and these two fine people, forsaking all others, have remained in said Holy state for 70 years; and

WHEREAS, adhering to Biblical admonition, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their marriage vows, setting an example to be emulated by young couples who also pledge themselves to one another until parted by death; and

WHEREAS, Mr. and Mrs. Thrash, who are 88 and 85 years young respectively, are the parents of seven children, two of whom are deceased, and are the loving grandparents of 25 wonderful grandchildren, 38 great-grandchildren and six great-great grandchil-

dren; and

WHEREAS, Mr. Thrash, a retired carpenter, painter and block mason, and Mrs. Thrash, a homemaker, attribute their long, happy marriage to working together, loving each other and living a Christian life; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary couple of Martling, Alabama, and wish them many more happy years together in their union blessed by God and a marriage of Christian dedication and morality.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. and Mrs. Thrash that they may know of our congratulations and warm best wishes.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-940

H.J.R. 34—Rep. Coleman, Rains

HOUSE JOINT RESOLUTION

COMMENDING MR. AND MRS. HOMER McCauley ON THEIR 64TH WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the recent 64th Wedding Anniversary, September 28, 1983, of Mr. and Mrs. Homer J. McCauley, both of whom are lifelong residents of Martling on Sand Mountain; and

WHEREAS, in the sight of God, Homer McCauley and Stella McClendon were joined in wedlock on September 28, 1919, by the Reverend Lewis Conway and these two fine people, forsaking all others, have remained in said Holy state for 64 years; and

WHEREAS, adhering to Biblical admonition, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their marriage vows, setting an example to be emulated by young couples who also pledge themselves to one another until parted by death; and

WHEREAS, Mr. and Mrs. McCauley, who are 88 and 79 years young respectively, are the parents of two sons and are the loving grandparents of four wonderful grandchildren, ten great-grandchildren and three great-great granddaughters; and

WHEREAS, Mr. McCauley is a retired farmer and Mrs. McCauley, a homemaker, was involved in the art of quilting for many, many years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary couple of Martling, Alabama, and wish them many more happy years together in their union blessed by God, and a marriage of Christian dedication and morality.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. and Mrs. McCauley that they may know of our congratulations and warm best wishes.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-941

H.J.R. 40—Rep. Blakeney

HOUSE JOINT RESOLUTION

CONGRATULATING MR. AND MRS. CLARENCE ALLEN BARKLEY OF SWEET WATER, ALABAMA, ON THE OCCASION OF THEIR 65TH WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the Sixty-fifth Wedding Anniversary on December 17, 1983, of Mr. and Mrs. Clarence Allen Barkley of Sweet Water, Alabama; and

WHEREAS, Mr. Barkley and his lovely bride, Miss Sally Mae Hill, were united in marriage on December 17, 1918, in Atmore, Alabama, and have remained in said holy state for 65 years; and

WHEREAS, they have lived their lives as one and, in devotion each to the other, have remained steadfastly faithful to their marriage vows, setting an enviable example for others; and

WHEREAS, Mr. and Mrs. Barkley, both natives of Marengo County, are the parents of nine children, four sons and five daughters, and they are the loving grandparents of 21 wonderful grandchildren and 27 fine young great grand-children; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with the family and friends in congratulating this exemplary Marengo County couple, Mr. and Mrs. Clarence Allen Barkley, and wish them

many more happy years together.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. and Mrs. Barkley that they may know of our congratulations and sincere best wishes for every future happiness together.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-942

H.J.R. 42—Reps. Box, Zoghby, Kennedy,
Buskey (James), Kvalheim,
Marietta, Gaston, Harper,
Turner, Clark (W.)

HOUSE JOINT RESOLUTION

COMMENDING JEFFREY EVERS, CHICKASAW, ALABAMA.

WHEREAS, the Alabama Legislature notes that Jeffrey Evers, accomplished pianist and 16-year-old son of Mr. and Mrs. William H. Evers, Chickasaw, Alabama, recently won, in the same week, both the Optimist Club-City of Mobile Talent Show "Best of Show Award" and the prestigious Music Teachers' National Association High School Auditions for the State of Alabama; and

WHEREAS, Jeffrey Evers, a junior at Vigor High School, has maintained an "A" average, and has earned many honors in music for his talents as a pianist over the last eight years, including competition at local, district and state levels; and

WHEREAS, Jeffrey Evers has won the State Festival for four years, and has received a superior plus rating from the National Guild of Piano Teachers for eight years, and has appeared as a soloist with the New Orleans Symphony, to name only a few of his achievements; and

WHEREAS, Jeffrey Evers, who is in the accelerated program for gifted students at Vigor High School, is involved in numerous scholastic and sports activities and is Assistant Editor of the Vigorama; he has been chairman, twice, of the "Miss Vigor Pageant"; he was the freshmen class representative for "Mr. Vigor" and he is designated as next year's United Fund Drive Chairman for Vigor; and

WHEREAS, Jeffrey Evers is a member of Gayfer's Teen Board and the Northside Bible Church where he is Vice-President of the Youth Group and serves as substitute pianist and organist; and

WHEREAS, in January, 1984, Jeffrey Evers will represent the State of Alabama at divisional auditions in Columbus, Georgia, and in February, 1984, he will attend the "Presidential Classroom for Young Americans" in Washington, D. C.; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily commend Jeffrey Evers for his outstanding achievements in piano at such a young age, for his exemplary scholastic honors and dedication to his church; we wish for him continued success in all his endeavors, particularly in his competition at the divisional auditions in Columbus, Georgia, and in the Presidential Classroom.

BE IT FURTHER RESOLVED, That the Clerk of the House cause a copy of this resolution to be sent to Jeffrey Evers so that he may know of our commendation and best wishes.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-943

H.J.R. 43—Rep. Rains

HOUSE JOINT RESOLUTION

COMMENDING MR. AND MRS. COLEMAN COMBS ON THEIR 50TH WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the Golden Wedding Anniversary, July 14, 1983, of Mr. and Mrs. Coleman Combs of Grove Oak, Alabama; and

WHEREAS, in the sight of God, Coleman Combs and Ardelle Short were joined in wedlock on July 14, 1933, in DeKalb County and these two fine people, forsaking all others, have remained in said Holy state for 50 years; and

WHEREAS, adhering to Biblical admonition, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their marriage vows, setting an example to be emulated by young couples who also pledge themselves to one another until parted by death; and

WHEREAS, Mr. and Mrs. Combs are the parents of four children, three sons and one daughter, and are the loving grandparents of nine wonderful grandchildren; and

WHEREAS, Mr. Combs is a retired farmer and Mrs. Combs, a homemaker who still pursues her hobby of quilting, are members of

Kelly's Chapel Missionary Baptist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary couple of Grove Oak, Alabama, and wish them many more happy years together in their union blessed by God, and a marriage of Christian dedication and morality.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. and Mrs. Combs that they may know of our congratulations and warm best wishes.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-944

H.J.R. 44—Reps. Rains, Lindsey

HOUSE JOINT RESOLUTION

COMMENDING MR. AND MRS. W. E. HATLEY ON THEIR 50TH WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the Golden Wedding Anniversary, July 15, 1983, of Mr. and Mrs. Willy Elmer Hatley of Geraldine, Alabama; and

WHEREAS, in the sight of God, W. E. Hatley and Zennith Geneva Stanfield were joined in wedlock on July 15, 1933, in Albertville, Alabama, and these two fine people, forsaking all others, have remained in said Holy state for 50 years; and

WHEREAS, adhering to Biblical admonition, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their marriage vows, setting an example to be emulated by young couples who also pledge themselves to one another until parted by death; and

WHEREAS, Mr. and Mrs. Hatley, are the parents of three sons, one of whom is deceased, and one daughter; they also are the loving grandparents of eleven wonderful grandchildren and five fine great-grandchildren; and

WHEREAS, Mr. and Mrs. Hatley, who have been members of the Baptist Church for more than 45 years, currently belong to Geraldine Baptist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with

family and friends in congratulating this exemplary couple of Geraldine, Alabama, and wish them many more happy years together in their union blessed by God, and a marriage of Christian dedication and morality.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. and Mrs. Hatley that they may know of our congratulations and warm best wishes.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-945

H.J.R. 45—Reps. Rains, Lindsey

HOUSE JOINT RESOLUTION

CONGRATULATING MR. FLOYD PRADY ON HIS RETIREMENT.

WHEREAS, Mr. Floyd Prady was honored recently at a tea given by his friends in the tax collector's office of DeKalb County in Fort Payne upon his retirement; and

WHEREAS, Floyd retires after sixteen years as the assistant chief clerk at the age of 85; and

WHEREAS, his dedication to job, courtesy and efficiency marked his service to DeKalb County; and

WHEREAS, Floyd has also given generously of his time to family, friends, church and community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do commend Mr. Floyd Prady for his dedicated service and wish him the best on his retirement.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Prady.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-946

H.J.R. 48—Reps. Rains, Coleman, Bugg

HOUSE JOINT RESOLUTION

COMMENDING MR. AND MRS. PEARLIE HOLLAND ON THEIR 50TH WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the recent Golden Wedding Anniversary, September 24, 1983, of Mr. and Mrs. Pearlie Holland of Boaz, Alabama; and

WHEREAS, in the sight of God, Pearlie and Ludie 'Letha Ross were joined in wedlock on September 24, 1933, and these two fine people, forsaking all others, have remained in said Holy state for 50 years; and

WHEREAS, adhering to Biblical admonition, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their marriage vows, setting an example to be emulated by young couples who also pledge themselves to one another until parted by death; and

WHEREAS, Mr. and Mrs. Holland are the parents of five children and are the loving grandparents of eleven wonderful grandchildren; and

WHEREAS, Mr. and Mrs. Holland have been members of the Baptist Church for several years, and at present are members of the Pleasant Hill Baptist Church Number One; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary couple of Boaz, Alabama, and wish them many more happy years together in their union blessed by God, and a marriage of Christian dedication and morality.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. and Mrs. Holland that they may know of our congratulations and warm best wishes.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-947

H.J.R. 51—Reps. Zoghby, Kennedy, Box, Kvalheim, Buskey (James), Harper, Gaston, Turner, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg,

Burke, Buskey (John),
 Butler, Campbell, Carothers,
 Carter, Clark (D), Clark (J),
 Clark (W), Coburn, Coleman,
 Cosby, Crow, Davis, Drake,
 Dutton, Escott, Faulk,
 Flowers, Ford, Fuller,
 Goodwin, Gray, Grayson,
 Grimsley, Grouby, Hall,
 Hammett, Harvey, Hettinger,
 Holley, Holmes, Hooper,
 Horn, Johnson (R.G.),
 Johnson (Roy), Junkins,
 Laird, Lauderdale, Lindsey,
 McDowell, McKee,
 McMillan, McNair, Martin,
 Mathis, Melton, Mikell,
 Mitchell, Moore, Newman,
 Nicholson, Onderdonk,
 Parker, Payne, Penry,
 Perdue, Poole, Pratt, Preuitt,
 Rains, Reed, Rice,
 Richardson, Rogers, Sasser,
 Seibels, Smith, Spratt,
 Starkey, Starr, Tanner,
 Thomas, Trammell,
 Turnham, Venable, Warren,
 White (F), White (G), White
 (L).

HOUSE JOINT RESOLUTION

COMMENDING OUR COLLEAGUE, REPRESENTATIVE
 BETH MARIETTA, OF THEODORE, ALABAMA.

WHEREAS, upon election to the Alabama House of Representatives, our colleague, Mrs. Beth Marietta of Theodore, Alabama, became the first female attorney ever to serve in the Alabama Legislature; and

WHEREAS, Representative Marietta, House district 104, Mobile County, is engaged in the private practice of law in our State's Port City; since 1981, she has been a sole practitioner following tenures as assistant to the U. S. Magistrate, Southern District of Alabama; an associate with a Mobile attorney; and in partnership with a prominent Mobile law firm; and

WHEREAS, Mrs. Marietta, who was selected in 1976 as an Out-

standing Young Woman of America, is a graduate of Montgomery's Sidney Lanier High School and of the University of South Alabama with a B.A. degree in Criminal Justice Administration; she then pursued a Master's degree at the University of Alabama before entering the university's School of Law, from which she received her J.D. degree in 1977, and later was admitted to the Alabama State Bar; and

WHEREAS, as a law student at the University, Mrs. Marietta served as president and treasurer of the Student Bar Association, was a member of Bench and Bar Legal Honor Society and was the recipient of several select awards and honors; her professional activities and memberships include the presidency of the University of South Alabama Criminal Justice Administration Alumni Association; Troop Leader of Law Explorer Post, Boy Scouts of America; Mobile Bar Association, Alabama Trial Lawyers Association, Young Lawyers of the Mobile Bar, Alabama Criminal Defense Lawyers Association and the Mobile Democrats; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most warmly praise and commend Mrs. Beth Marietta of Mobile on her many outstanding accomplishments, including of course her election to the Alabama Legislature as the first female attorney to so serve.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Representative Marietta in token of our sincere friendship and warmest regard.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-948

H.J.R. 53—Reps. Warren, Smith

HOUSE JOINT RESOLUTION

EXTENDING THE COST AND EXPENSE ALLOWANCE
FOR THE LEGISLATIVE FORESTRY STUDY COMMITTEE.

WHEREAS, The Legislative Forestry Study Committee, established by the Alabama Legislature, has had many meetings, hearings and its members have conducted an exhaustive study; and

WHEREAS, it is in the best interest of the Alabama Legislature to have this committee do additional studies and research into the area of its responsibilities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby

allocated an additional sum sufficient to cover the costs and expense allowances authorized for the committee, not to exceed \$7,500, which shall be paid from any funds appropriated for the use of the Legislature.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-949

H.J.R. 54—Rep. Payne

HOUSE JOINT RESOLUTION

HONORING MR. BILL PIKE FOR HIS MANY YEARS OF SERVICE WITH THE CENTER POINT FIRE DEPARTMENT.

WHEREAS, Mr. Bill Pike has served as a fireman with the Center Point Fire Department for 18 years; and

WHEREAS, in addition to working full-time as an automotive training manager he has devoted himself to the fire department by contributing his extra time and money to help organize and operate the department; and

WHEREAS, such devotion has enabled the department to survive difficult times and to remain a viable and well organized fire department; and

WHEREAS, Mr. Pike has terminated his service with the fire department in order to devote more time to his family; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Mr. Bill Pike for his outstanding service to the Center Point community and direct that he and his family receive a copy of this resolution that they may be aware of our high praise and esteem.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-950

H.J.R. 55—Reps. McMillan, Penry

HOUSE JOINT RESOLUTION

COMMENDING MR. CARL BOSECK.

WHEREAS, Mr. Carl Boseck, a life-long Elsanor resident, has been named the fifth annual Elsanor Citizen of the Year by the Elsanor Sewing Club, sponsor of the annual award; and

WHEREAS, Mr. Boseck has served as President of the Elsanor Community Center, is an active member of the fire department and is the treasurer of his church; and

WHEREAS, Carl Boseck is ever ready to contribute to the needs of his neighbors and for the progress and betterment of his hometown, state and country; and

WHEREAS, Mr. Boseck is known as a "helper" in the community, sharing fresh vegetables with his neighbors and keeping an eye on homes of owners who are out of town; and

WHEREAS, Carl Boseck's youthful outlook, vivacity and warm personality served as an inspiration to all with whom he comes in contact; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend Mr. Carl Boseck for being named the Citizen of the Year.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Boseck so that he may know of our esteem.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-951

H.J.R. 57—Rep. Sasser

HOUSE JOINT RESOLUTION

COMMENDING TRI-GLASS INDUSTRIES OF DALEVILLE, ALABAMA'S FASTEST GROWING COMPANY.

WHEREAS, it is with utmost commendation that the Alabama Legislature notes the inclusion of Tri-Glass Industries of Daleville in Inc. 500, a national ranking of the 500 fastest growing independent, privately held companies in the United States; and

WHEREAS, ranked according to percentage of sales increase from 1978 through 1982, Tri-Glass Industries holds the commanding 66th place on the list of these 500 impressive and aggressive top companies from more than a half million which qualify for candidacy, nationwide; and

WHEREAS, beginning as a 3-man shop in Dothan in 1973, Tri-

Glass moved its operation to Daleville in 1974; originally a contractor for fiberglass components for other manufacturers, the company in 1978 developed designs and products for the van conversion and pickup truck accessories industry and began building its own network of distributors and dealers; and

WHEREAS, Tri-Glass growth since 1978 has been phenomenal, with sales shooting from some \$243,000 to more than four and three-quarter million in 1982; an additional 43% in growth is projected for 1983 with gross sales anticipated to top 9 million in 1984; and

WHEREAS, behind the Tri-Glass cinderella success story is owner and president Mr. Paul Thomas who is indeed deserving of highest praise for his outstanding accomplishments and for the ensuing positive impact of his company on the economy of our State; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein most highly commend Mr. Paul Thomas and Tri-Glass Industries of Daleville, Alabama, as number 66 among the 500 fastest growing companies in the United States.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Mr. Paul Thomas in token of our sincere regard and in expression of our deep gratitude for his company's contribution to the Wiregrass area of our State.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-952

H.J.R. 105—Reps. Johnson (Roy), Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray,

Grayson, Grimsley, Grouby,
Hall, Hammett, Harper,
Harvey, Hettinger, Holley,
Holmes, Hooper, Horn,
Johnson (R.G.), Junkins,
Kennedy, Kvalheim, Laird,
Lauderdale, Lindsey,
McDowell, McKee,
McMillan, McNair, Marietta,
Martin, Mathis, Melton,
Mikell, Mitchell, Moore,
Newman, Nicholson,
Onderdonk, Parker, Payne,
Penry, Perdue, Poole, Pratt,
Preuitt, Rains, Reed, Rice,
Richardson, Rogers, Sasser,
Seibels, Smith, Spratt,
Starkey, Starr, Tanner,
Thomas, Trammell, Turner,
Turnham, Venable, Warren,
White (F), White (G), White
(L), Zoghby

HOUSE JOINT RESOLUTION

COMMENDING MR. RYAN deGRAFFENRIED JR., OF
TUSCALOOSA AS LEGISLATOR OF THE YEAR.

WHEREAS, the Alabama Legislature notes with highest praise
the selection on December 6, 1983, of Senator Ryan deGraffenried of
Tuscaloosa as Legislator of the Year; and

WHEREAS, it is to be noted that this prestigious designation,
an award sponsored by the Alabama League of Savings Associations,
was by vote of Mr. deGraffenried's peers; and

WHEREAS, Senator deGraffenried has served in the legislature
since 1978, and the dedication and effectiveness of his service is re-
flected in this honor bestowed by his colleagues who, through associ-
ation, are most knowledgeable of Mr. deGraffenried's exceptional
ability; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,
BOTH HOUSES THEREOF CONCURRING, That we hereby most
heartily congratulate and commend Senator Ryan deGraffenried of
Tuscaloosa as Legislator of the Year, 1982-83.

BE IT FURTHER RESOLVED, That our good friend, Senator
deGraffenried, receive a copy of this resolution tendered in friend-

ship and warmest regard.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-953

H.J.R. 106—Reps. Cosby, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Zoghby

HOUSE JOINT RESOLUTION

COMMENDING MR. RICK MANLEY OF DEMOPOLIS AS

LEGISLATOR OF THE YEAR.

WHEREAS, the Alabama Legislature notes with highest praise the selection, on December 6, 1983, of former State Representative Rick Manley of Demopolis as Legislator of the Year; and

WHEREAS, it is to be noted that this prestigious designation, an award sponsored by the Alabama League of Savings Associations, was by vote of Mr. Manley's peers; and

WHEREAS, Representative Manley served in the legislature for a total of seventeen years, and the dedication and effectiveness of his service is reflected in this honor bestowed by his colleagues who, through association, are most knowledgeable of Mr. Manley's exceptional ability; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate and commend Representative Rick Manley of Demopolis as Legislator of the Year, 1982-83.

BE IT FURTHER RESOLVED, That our good friend, Rick Manley, receive a copy of this resolution, tendered in friendship and warmest regard.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-954

H.J.R. 107—Reps. McKee, Hooper, Starr, Mikell, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley,

Holmes, Horn, Johnson
 (R.G.), Johnson (Roy),
 Junkins, Kennedy,
 Kvalheim, Laird,
 Lauderdale, Lindsey,
 McDowell, McMillan,
 McNair, Marietta, Martin,
 Mathis, Melton, Mitchell,
 Moore, Newman, Nicholson,
 Onderdonk, Parker, Payne,
 Penry, Perdue, Poole, Pratt,
 Preuitt, Rains, Reed, Rice,
 Richardson, Rogers, Sasser,
 Seibels, Smith, Spratt,
 Starkey, Tanner, Thomas,
 Trammell, Turner,
 Turnham, Venable, Warren,
 White (F), White (G), White
 (L), Zoghby

HOUSE JOINT RESOLUTION

MOURNING THE TRAGIC DEATH OF CORPORAL HENRY "BEN" TOWNSEND, JR.

WHEREAS, it is with a sense of deep sadness and regret that the Alabama Legislature notes the recent untimely death of Marine Lance Corporal Henry "Ben" Townsend, Jr. of 2850 Kingman Drive, Montgomery, Alabama, who died December 2, 1983, at Bethesda Naval Hospital in Maryland, from wounds received in the October 3, 1983 bombing of Marine Headquarters in Beirut, Lebanon; and

WHEREAS, Corporal Townsend attended Jeff Davis High School in Montgomery; and

WHEREAS, he was only 21 years old at the time of his death; and

WHEREAS, he gave the supreme sacrifice in the name of freedom away from his family and home on foreign soil;

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Henry "Ben" Townsend, Jr. and extend our heartfelt sympathy to his wife, Marcia Townsend, his daughter, Kewanna Duncan, his mother and father, Lillian and Henry Townsend, Sr., his brother, Bernard Townsend, his two sisters, Cynthia Townsend and Valeria Townsend, all of Montgomery, and to other family members.

BE IT FURTHER RESOLVED, That a copy of this resolution shall be sent to those named above.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-955

H.J.R. 108—Reps. Coleman, Rains, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Zoghby

HOUSE JOINT RESOLUTION

COMMENDING FORMER REPRESENTATIVE PHIL KELLEY FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE.

WHEREAS, Mr. Phil Kelley of Guntersville served the State of Alabama as Representative from House District 26 from 1974 to 1982; and

WHEREAS, Representative Kelley's legislative tenure was marked in its accomplishment, and his abilities were recognized through assignment to such important committees as State Administration which he chaired, Conservation, Commerce and Transportation and Local Legislation Number One; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and express deep gratitude to Representative Phil Kelley for outstanding service to both House District 26 and Marshall County, and to the entire State of Alabama as well,

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to our distinguished former colleague, Representative Phil Kelley, in small token of our sincere appreciation and regard.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-956

H.J.R. 109—Reps. Rains, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy),

Junkins, Kennedy, Kvalheim,
 Laird, Lauderdale, Lindsey,
 McDowell, McKee, McMillan,
 McNair, Marietta, Martin,
 Mathis, Melton, Mikell,
 Mitchell, Moore, Newman,
 Nicholson, Onderdonk,
 Parker, Payne, Penry,
 Perdue, Poole, Pratt, Preuitt,
 Reed, Rice, Richardson,
 Rogers, Sassser, Seibels,
 Smith, Spratt, Starkey, Starr,
 Tanner, Thomas, Trammell,
 Turner, Turnham, Venable,
 Warren, White (F), White
 (G), White (L), Zoghby

HOUSE JOINT RESOLUTION

COMMENDING FORMER REPRESENTATIVE DAVID STOUT FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE.

WHEREAS, Mr. David Stout of Fort Payne served the State of Alabama as Representative from House District 24 from 1978 to 1983; and

WHEREAS, Representative Stout's legislative tenure was marked in its accomplishment, and his abilities were recognized through assignment to such important committees as Banking, Local Government, Highway Safety, State Administration, Education and Commercial and Industrial Development; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and express deep gratitude to Representative David Stout for outstanding service to both House District 24 and DeKalb County, and to the entire State of Alabama as well,

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to our distinguished former colleague, Representative David Stout, in small token of our sincere appreciation and regard.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-957

H.J.R. 133—Reps. Carter, Martin, Dutton,
Drake

HOUSE JOINT RESOLUTION

**URGING THE INTERSTATE COMMERCE COMMISSION
TO GRANT CSX CORPORATION AUTHORITY TO OPERATE
BARGE LINES.**

WHEREAS, CSX Corporation through its rail and truck line subsidiaries, Chessie and Seaboard System Railroads and CMX Trucking lines now offers intermodal rail-truck service; and

WHEREAS, CSX Corporation has filed an application with the Interstate Commerce Commission for control of American Commercial Lines, whose subsidiary, American Commercial Barge Lines, Inc., is a major water carrier operating on 7,500 miles of the Mississippi River and Gulf Intercoastal Waterway systems; and

WHEREAS, If said application is approved by the Interstate Commerce Commission, CSX Corporation has plans to build a major barge terminal on the Tennessee River in Alabama offering its shippers essentially a full range of transportation services; and

WHEREAS, transportation in Alabama as well as all of the southeastern and central states of the United States of America will be greatly enhanced by approval of the said application by CSX Corporation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we, as elected representatives and spokesmen of the people of Alabama do hereby urge the Interstate Commerce Commission to approve the application of CSX Corporation to operate barge lines so that an efficient, full range of transportation facilities may be provided by CSX Corporation to this state.

BE IT FURTHER RESOLVED, That we hereby urge the Governor to get behind the movement to encourage the Interstate Commerce Commission to approve the application of CSX Corporation so that CSX may operate barge lines and port facilities in this state and thereby connect transportation on the Tennessee-Tombigbee and other waterways of Alabama with the Ohio, the Mississippi and other river systems serving the industrial and agricultural heartland of this nation.

BE IT FURTHER RESOLVED, That copies of this Resolution be sent to the Secretary of the Interstate Commerce Commission at the address of 12th Street and Constitution Avenue, N. W., Wash-

ington, D. C. 20423.

BE IT FURTHER RESOLVED That a copy of this Resolution be sent to Governor George C. Wallace.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-958

H.J.R. 140—Reps. Buskey (John), Holmes, Kennedy, Black, Buskey (James), Escott

HOUSE JOINT RESOLUTION

HONORING MRS. THELMA AUSTIN RICE UPON HER RETIREMENT FROM ALABAMA STATE UNIVERSITY.

WHEREAS, Mrs. Thelma Austin Rice entered into service with Alabama State University in the year of 1945, retiring December 10, 1983, following some 39 years of loyal service to the University; and

WHEREAS, she earned academic ranks of instructor, assistant professor and associate professor; and

WHEREAS, she rendered services to the University in the areas of science, educational psychology, mathematics, history and philosophy of education, and at both graduate and undergraduate levels; and

WHEREAS, in addition to her professional duties in academic disciplines, she has given unflinchingly of her time and expertise to the growth and development of the total University as an invaluable contributor to University Self-Studies for Southern Association of Colleges and Schools, 1970 and 1980; Faculty Grievance Committee; Committee to Evaluate Public Services Projects for University Funding; the Faculty Senate, serving as its first Vice President; Chairperson of the Student Publications Board; Advisor to the Hornet Yearbook, which under her leadership attained national recognition; Advisor to the Baptist Student Union, and the University Woman's Club; and

WHEREAS, Mrs. Rice has represented the University at the local, state, regional and national levels as a consultant for various academic disciplines, and has performed these duties both willingly and impeccably; and

WHEREAS, prior to her association of many years with ASU, Mrs. Rice served for eight years in the public schools for a distin-

guished career in education of some 47 years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend to Mrs. Thelma Austin Rice congratulations for her commendable, praiseworthy and rewarding service.

BE IT FURTHER RESOLVED, That Mrs. Rice receive a copy of this resolution, bestowed in deep appreciation for her years of outstanding service to the Alabama State University community and in other educational areas.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-959

H.J.R. 142—Reps. Turnham, Carter, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair,

Marietta, Martin,
 Mathis, Melton, Mikell,
 Mitchell, Moore,
 Newman, Nicholson,
 Onderdonk, Parker,
 Payne, Penry, Perdue,
 Poole, Pratt, Preuitt,
 Rains, Reed, Rice,
 Richardson, Rogers,
 Sasser, Seibels, Smith,
 Spratt, Starkey, Starr,
 Tanner, Thomas,
 Trammell, Turner,
 Venable, Warren,
 White (F), White (G),
 White (L), Zoghby

HOUSE JOINT RESOLUTION

**EXPRESSING APPRECIATION TO THE ROTUNDA
 TELEPHONE OPERATORS FOR THEIR COURTEOUS ASSIS-
 TANCE TO MEMBERS OF THE LEGISLATURE.**

WHEREAS, as in past years, our telephone operators stationed in the Rotunda, whose services are provided by South Central Bell, have been a great help to all members of the Legislature; and

WHEREAS, never failing in courtesy, Ms. Mildred Auxford, Ms. Mildred Griffin and Ms. Mary Burt have expertly and efficiently handled untold number of calls for the Legislature, delivering messages with unerring dependability and with as little delay as possible; and

WHEREAS, the availability and convenience of this very necessary central message center has been invaluable to the Alabama Legislature, and to such a degree that it would be difficult to imagine having to function without this service; and

WHEREAS, due to upcoming divestiture by American Telephone and Telegraph of South Central Bell, there may be some uncertainty as to whether these extremely competent professionals will be able to return; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,
 BOTH HOUSES THEREOF CONCURRING,** That we hereby express deep appreciation to Mesdames Auxford, Griffin and Burt for their courteous assistance to the members of the Legislature.

BE IT FURTHER RESOLVED, That we hereby urge that Ms. Auxford, Ms. Griffin and Ms. Burt be allowed to return to their

present capacity.

BE IT FURTHER RESOLVED, That these ladies be presented with copies of this resolution in token of appreciation, our warm praise and high regard.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-960

H.J.R. 143—Reps. Poole, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Zoghby

HOUSE JOINT RESOLUTION

COMMENDING MRS. CLYDE SHIPLEY OF THE TOWN OF MOUNDVILLE.

WHEREAS, Mrs. Clyde Shipley is retiring after twenty-one years of devoted service as the Clerk of the Town of Moundville; and

WHEREAS, Mrs. Shipley's accomplishments during this time includes an excellent record of bringing jobs and industry to Moundville and successfully obtaining numerous grants for Moundville; and

WHEREAS, Mrs. Shipley has served for six years as Secretary-Treasurer of the Green-Hale Counties Gas District, worked for five years as a small loan examiner for the State Banking Department and received an excellent rating annually, worked as a reporter to the *Tuscaloosa News* and was Editor and Business Manager for nine years of the *Moundville News*, and was bookkeeper for many years for several Moundville businesses; and

WHEREAS, Mrs. Shipley has devoted countless hours to civic organizations which include: serving as Chairman of Girls State, numerous activities for the Moundville Methodist Church, serving on the Moundville Easter Pageant Committee since 1948, charter member of the Moundville Industrial Committee, Inc., charter member and first president of the Moundville Business and Professional Women's Club, charter member of the Moundville United Fund, Mound Park Promotion Committee, Secretary of the Oak Hill Cemetery Association since 1942, member of the Alabama Travel Council, charter member of the Alabama Municipal Clerks and Administrators, member of the State Association of Chamber of Commerce Executives Association, member of the International Association of Municipal Clerks, and member of the Alabama Association of Municipal Revenue Officers; and

WHEREAS, Mrs. Shipley has provided an exemplary leadership role model for Moundville's youth; and

WHEREAS, Mrs. Shipley has through her dedication and service made Moundville a better place to live; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Mrs. Clyde Shipley is hereby commended on her lifetime of achievements.

BE IT FURTHER RESOLVED, That Mrs. Shipley receive a copy of this resolution as a token of our esteem as we wish her the

best during her retirement.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-961

H.J.R. 145—Rep. Laird

HOUSE JOINT RESOLUTION

COMMENDING MR. AND MRS. OLIN SHEPPARD OF ROANOKE, ALABAMA, ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

WHEREAS, the legislature of Alabama notes with pleasure the Golden Wedding Anniversary on November 18, 1983, of Mr. and Mrs. Olin Sheppard of Roanoke, Alabama; and

WHEREAS, Mr. Sheppard and his lovely bride, Miss Pansie Mildred Adamson, were united in marriage on November 18, 1933, in Standing Rock, Chambers County, Alabama, and have remained in said Holy state for the past 50 years; and

WHEREAS, they have lived their lives as one and, in devotion each to the other, have remained steadfastly faithful to their marriage vows, setting an enviable example to others; and

WHEREAS, Mr. and Mrs. Sheppard are the parents of Mr. and Mrs. Emory Sheppard and Mr. and Mrs. Tommy Yarbrough, and the loving grandparents of Scott, Gena, Autumn, Tracey and Caryn who hosted an anniversary dinner in the couple's honor, on November 26, 1983, which was attended by other family members and numerous friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary Randolph County couple, Mr. and Mrs. Olin Sheppard, and wish them many more happy years together.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. and Mrs. Sheppard that they many know of our congratulations and sincere best wishes for every future happiness together.

Approved December 21, 1983

Time: 5:20 P.M.

Act No. 83-962

H.J.R. 125—Rep. Boles

HOUSE JOINT RESOLUTION

AMENDING ACT NO. 83-72, HJR 24, 1983 1ST SPECIAL SESSION, WHICH CREATED AN INTERIM COMMITTEE ON FINANCES AND BUDGETS, SO AS TO INCREASE THE MEMBERSHIP ON THE COMMITTEE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Act No. 83-72, H.J.R. 24, 1983 1st Special Session, is hereby amended to read as follows, viz:

“BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created an Interim Committee on Finances and Budgets to meet during the interim periods between the regular sessions of the Legislature, during which periods the members, including ex officio members, shall each be entitled to, and shall receive, the same daily legislative compensation, expense allowances, per diem and other compensation which they receive while in legislative session, and in the same manner and under the same conditions as when they meet in legislative session. Provided, however, that said Committee shall not be paid for more than 30 calendar days in any single interim period. The compensation of Committee employees shall be paid as provided in Sections 29-1-9 and 29-1-10 of the Code of Alabama 1975. It shall be the duty of the Committee to make careful investigation and study of the financial condition of the state, hold budget hearings, inquire into ways and means of financing state government and its programs, and report its findings and recommendations as herein provided. The Committee shall be composed of the Chairman and Deputy Chairman of the Senate Committee on Finance and Taxation and seventeen members of the Committee on Finance and Taxation to be appointed by the Lieutenant Governor, the President Pro Tempore of the Senate, the Lieutenant Governor, and the members of the House Standing Committee on Ways and Means, the Speaker Pro Tempore of the House, and the Speaker of the House, seven additional members of the House to be appointed by the Speaker of the House of Representatives and three additional members of the Senate to be appointed by the President of the Senate. The President and the President Pro Tempore of the Senate and the Speaker and the Speaker Pro Tempore of the House shall be Ex Officio voting members of the Committee.

“The Chairman of the Senate Committee on Finance and Taxation and the Chairman of the House Ways and Means Committee

shall be Co-Chairmen. The said Co-Chairmen shall set the schedule and program for committee work. The said Co-Chairmen shall fix the days and hours of meeting and conducting hearings and examining witnesses who appear before the Committee. The said Co-Chairmen may appoint subcommittees and invest them with such authority as may be deemed necessary to conduct the Committee's business and expedite its work. The Committee may employ such clerical and expert assistance as the Committee may find necessary in performing its duties.

"All departments, boards, bureaus, commissions, agencies, offices and institutions of the state shall and are hereby directed to cooperate fully with the Committee and shall furnish any and all information that may be requested by the Committee.

"BE IT FURTHER RESOLVED, That the final report of the committee, along with findings and recommendations, shall be submitted to the Governor and to each member of the Legislature no later than the fifth legislative day of the regular session. Said Committee shall terminate November 1, 1986."

Approved December 21, 1983

Time: 5:20 P.M.

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THIRD AND FOURTH SPECIAL
SESSIONS OF 1983

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